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Federal Register

Monday
July 2, 1984

Selected Subjects

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Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 5215 of June 27, 1984

1992 Chicago-Seville International Exposition

By the President of the United States of America

A Proclamation

In 1992, the United States and Spain will host an unprecedented joint world's fair, the Chicago-Seville International Exposition. The exposition will celebrate the 500th anniversary of Christopher Columbus' voyage of discovery from Spain to the Americas and will be the first world's fair to be conducted simultaneously in two countries.

The theme of the world's fair is the "Age of Discovery." The exposition will showcase the immense social, economic, scientific and cultural achievements which have changed the world since 1492 and will preview the discoveries anticipated in the century to come. The event also will serve to symbolize the indomitable nature of the human spirit which fired Columbus to pursue his dream of a New World and which continues to inspire us as Americans in pursuit of our dream of democracy and freedom.

Chicago is an excellent site for this historic exposition. A global crossroads, Chicago already has hosted two successful world's fairs—the World's Columbian Exposition of 1893, which became the standard of comparison for subsequent fairs, and a Century of Progress Exposition of 1933–34, which helped lift the spirits of a battered people during the most severe depression in our history. The choice of Seville as a site is especially appropriate, for without the foresight and adventurous spirit of the King and Queen of Spain, Columbus would never have had an opportunity to undertake his catalytic voyage which changed the course of history.

The unique relationship between this great American city and Seville underlines the continuity of history in a new age of communications and transportation. By bridging the seas in 1992, Chicago and Seville once again will link the New World with the Old in the dawning of a truly new "Age of Discovery."

The 1992 Chicago-Seville International Exposition thus promises to become a symbol of international peace and progress, illuminating our past and our future. With its many splendid opportunities for the stimulation of trade and for cultural and technological exchange, the exposition has the enthusiastic support of the United States Government. This Administration will extend the fullest possible recognition to the event in accordance with the Paris Convention of November 22, 1928, as modified, and United States law.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in recognition of the 1992 Chicago-Seville International Exposition, do hereby invite the several States of the Union and its Territories to participate in the exposition, and authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to participate in this event.

IN WITNESS WHEREOF I have hereunto set my hand this twenty-seventh day of June, in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 84-17655
Filed 6-28-84; 3:36 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 434

[Docket No. 1087S; Amdt. No. 2]

Tobacco (Dollar Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434), effective for the 1984 and succeeding crop years: By (1) changing the policy to make it easier to read; (2) adding volcanic eruption as an insurable cause of loss; (3) adding a provision regarding the insurability of irrigated acreage where no irrigated practice is established by the actuarial table; (4) adding a provision to permit determination of indemnities based on the acreage report rather than at loss adjustment time; (5) providing for a coverage level if the insured does not select one; (6) adding a provision prescribing procedures in the event of a probable loss; (7) adding a 60-day claim for indemnity provision; (8) adding a hail/fire provision for appraisals of uninsured cause; (9) adding a section regarding appraisals immediately following the end of the insurance period for unharvested acreage; (10) changing the cancellation/termination dates to conform to farming practices; (11) providing that any change in the policy will be available in the service office by a certain date; (12) adding a definition for "service office"; (13) providing for unit determination when the acreage report is filed; (14) adding a section concerning "descriptive headings," "notices" and "determinations"; and (15) redesignating Appendix B to Part 434 as Appendix A, listing the counties wherein Tobacco (Dollar Plan) Crop Insurance is otherwise authorized to be offered.

In addition, FCIC issues a new subsection in the tobacco (Dollar Plan) crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring tobacco (Dollar Plan) in accordance with Departmental Regulation 1512-1 (December 15, 1983), requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (December 15, 1983). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more, and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

As set forth in the notice related to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, are excluded from the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

On Friday, November 18, 1983, FCIC published a notice of proposed rulemaking in the Federal Register at 43 FR 52467 to amend the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434), as outlined in the summary to this document. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule as published is hereby adopted with minor and nonsubstantive clerical changes as a final rule effective for the 1984 and succeeding crop years.

List of Subjects in 7 CFR Part 434

Crop insurance, Tobacco (Dollar Plan).

Final Rule

PART 434—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 434 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 434.3 is added to read as follows:

§ 434.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 434) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007

3. 7 CFR 434.7(d) is revised to read as set forth below:

§ 434.7 [AMENDED]

* * * * *

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General

Administrative Regulations (7 CFR 400.37 400.38); and may be amended from time to time for subsequent crop years. The provisions of the Tobacco (Dollar Plan) Insurance Policy for the 1984 and succeeding crop years, are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Dollar Plan of Tobacco—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake;
(7) Volcanic eruption; or
(8) Failure of the irrigation water supply from an unavoidable cause occurring after the beginning of planting, unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(7).

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement or wrong doing of you, any member of your household, your tenants or employees;
(2) The failure to follow recognized good tobacco farming practices;
(3) The impoundment of water by any governmental, public or private dam or reservoir project; or
(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be tobacco of the type shown as insurable by the actuarial table, which is grown on insured acreage and for which an amount of insurance and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be an insurable type of tobacco planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we will elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured tobacco at the time of planting.

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;
(2) On which the tobacco was destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture;
(3) Which is destroyed, it is practical to replant to tobacco, and such acreage was not replanted;
(4) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;
(5) Planted to tobacco of a discount variety under provisions of the tobacco price support program;
(6) Planted to a type or variety of tobacco not established as adapted to the area or excluded by the actuarial table; or
(7) Planted for experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) You will report as irrigated only the acreage for which you have adequate facilities and water to carry out a good tobacco irrigation practice at the time of planting; and
(2) Any loss of production caused by failure to carry out a good tobacco irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

Insurance will not attach on an irrigated basis on acreage otherwise insurable on such basis unless it is reported and designated as irrigated at the time the acreage is reported.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, practice and yield.

You must report on our form:

a. All the acreage of insurable types of tobacco in the county in which you have a share;

b. The practice;

c. Your share at the time of planting; and

d. The most recent year's production for insurable acreage on each unit.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any tobacco planted in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amounts of insurance and coverage levels.

a. The amounts of insurance and coverage levels are contained in the actuarial table.

b. Coverage level 2 will apply if you have not elected a coverage level.

c. You may change the coverage level on or before the closing date for submitting applications for the crop year as established by the actuarial table.

d. In addition to the provisions contained in section 16, if for any crop year the support price per pound is reduced 10 percent or more below the support price per pound for the previous crop year, the dollar amounts of insurance per acre for the current crop year will be adjusted by multiplying the support price per pound (rounded to the nearest cent, less four cents per pound for warehouse charges) for the current crop year by the amount in pounds per acre shown by the actuarial table for this purpose. If a tobacco price support program is not in effect for the kind of tobacco which includes the insured type for any crop year, the amounts in pounds per acre shown in the actuarial table will be multiplied by the market price for that crop year to determine the amounts of insurance per acre for such crop year.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage shown in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Number of loss years through previous year[3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio[2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract will be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a will be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the tobacco is planted and ends at the earliest of:

a. Total destruction of the tobacco;

b. Weighing-in at the tobacco warehouse;

c. Removal of the tobacco from the unit (except for curing, grading, packing or immediate delivery to the tobacco warehouse);

d. Final adjustment of a loss; or

e. The date shown below immediately following the normal harvest period:

(1) Type 11 and 12	Nov. 30.
(2) Type 13	Oct. 31.
(3) Type 14	Sept. 30.
(4) Type 36	Jan. 31.
(5) Type 31 and 35	Feb. 28.
(6) All other types	Mar. 31.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) During the period before harvest, the tobacco on any unit is damaged and you decide not to further care for or harvest any part of it;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the tobacco and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. Where harvest of the unit is to be completed within 7 days of the date notice of probable loss is given, a representative sample of the tobacco (at least 10 feet wide and the entire length of the field) must be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) Notice must be given immediately if any tobacco is destroyed or damaged by fire during the insurance period.

(5) Where tobacco is not to be sold through auction warehouses and an indemnity is to be claimed, notice must be given to allow us sufficient time to inspect the cured tobacco prior to its sale or other disposition.

(6) For any unit of tobacco of types 11, 12, 13, or 14 on which an indemnity is to be claimed and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss must be given to us upon completion of harvest. The tobacco stalks must not be destroyed until consent is given by us.

(7) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the tobacco on the unit;

(b) The date marketing or other disposal of the insured tobacco on the unit is completed; or

(c) The calendar date for the end of the insurance period.

b. You must obtain written consent from us before you destroy any of the tobacco which is not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the tobacco on the unit;

(2) The date marketing or other disposal of the insured tobacco on the unit is completed; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of tobacco on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance;

(2) Subtracting therefrom the value of the total production of tobacco to be counted (see section 9e); and

(3) Multiplying the remainder by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

e. The value of the total production to be counted for a unit will include the value of all harvested and appraised production.

(1) The value of production to count will include:

(a) The gross returns (less four cents per pound for warehouse charges) from tobacco sold on the warehouse floor;

(b) The fair market value of the tobacco sold other than on the warehouse floor;

(c) The fair market value of the tobacco harvested and not sold;

(d) The fair market value of any unharvested tobacco as if such tobacco were harvested and cured; and

(e) The current year's support price per pound (less four cents per pound for warehouse charges) for appraisals made by

us for poor farming practices or uninsured causes of loss. *However*, if a price support program is not in effect, such appraised production will be valued at the market price for the current crop year.

(2) To enable us to determine the fair market value of tobacco not sold through auction warehouses, we will be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of and, if the best offer you receive for any such tobacco is considered by us to be inadequate, to obtain additional offers on your behalf.

(3) The stalks on any insured acreage of tobacco types 11, 12, 13, or 14 will not be destroyed until we give consent. For any such acreage on which the stalks have been destroyed prior to such consent, we may make an appraisal on such acreage of not less than the amount of insurance per acre.

(4) The value of appraised production to be counted will include:

(a) The value of unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good tobacco farming practices;

(b) Not less than the amount of insurance for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Not less than 35 percent of the amount of insurance for all other unharvested acreage.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage:

(a) Is not put to another use before harvest of tobacco becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(6) The amount of production of any unharvested tobacco may be determined on the basis of field appraisals conducted after the end of the normal harvest period.

(7) When you have elected to exclude hail and fire as insured causes of loss and the tobacco is damaged by hail or fire, appraisals for uninsured causes will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire"

(8) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We will pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the tobacco is planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

Your may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices, and forms required by the contract.

13. Subrogation, (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such your rights. If we pay you for your loss then right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date such payment was approved.

d. The cancellation and termination dates are:

State	Cancellation and termination dates
Florida	Mar. 15.
Alabama; Georgia; Surry, Wilkes Caldwell, Burke and Cleveland Counties, North Carolina and all North Carolina counties east thereof; and South Carolina.	Mar. 31.
All other North Carolina counties and all other states.	Apr. 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. All contract changes will be available at your service office by December 31 preceding the cancellation date. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of dollar tobacco crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, coverage levels, premium rates, practices, insurable and uninsurable acreage, and related information regarding tobacco insurance in the county.

b. "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the period within which the tobacco is normally grown and will be designated by the calendar year in which the tobacco is normally harvested.

e. "Harvest" means:

(1) The completion of cutting or priming of tobacco on any acreage; and

(2) From which acreage at least 20 percent of the amount of tobacco in pounds per acre shown in the actuarial table for such purpose is cut or primed.

f. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

g. "Insured" means the person who submitted the application accepted by us.

h. "Market Price" for a crop year in the case of tobacco:

(1) Types 11, 12, 13, 14, 21, 22, 23, 31, 35, 36 and 37 means the average auction price for the applicable type (less four cents per pound for warehouse charges) in the belt or area; and

(2) Types 54 and 55 means the average price for the applicable type in the belt or area. The market price, will be filed in your service office with the actuarial table.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Planting" means transplanting the tobacco plant from the bed to the field.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Support price per pound" means the average price support level per pound for the insured type of tobacco as announced by the United States Department of Agriculture under the tobacco price support program. For any crop year in which a price support for the insured type is not in effect, the market price for that crop year will be used in lieu thereof.

m. "Tenant" means a person who rents land from another person for a share of the tobacco or a share of the proceeds therefrom.

n. "Unit" means all insurable acreage in the county of an insurable type of tobacco planted on a farm or farms for which a single farm acreage allotment and/or a single poundage marketing quota for the insurable type of tobacco is established on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

If a tobacco price support program is not in effect for the insurable type of tobacco for any crop year, the above words "planted on a farm or farms for which a single farm acreage allotment and/or a single poundage quota for the insurable type of tobacco is established" will be disregarded. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tobacco on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units as herein defined will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

4. Section 434.7 is further amended by removing the "Appendix to § 434.7—Additional Terms and Conditions."

5. 7 CFR Part 434 is further amended by redesignating Appendix B as Appendix A.

Done in Washington, D.C., on May 7, 1984.

Dated: June 19, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-17447 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 438

[Doc. No. 1034S; Amdt. No. 2]

Canning and Processing Tomato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Canning and Processing Tomato Crop Insurance Regulations (7 CFR Part 438), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read; (2) adding a provision to permit determination of indemnities based on the acreage report rather than at loss adjustment time; (3) providing for a coverage level if the insured does not select one; (4) adding a 60-day claim for indemnity provision; (5) providing for appraisals following the end of the insurance period for unharvested acreage; (6) adding a hail/fire provision for appraisals of uninsured causes; (7) providing that all uninsured appraisals count; (8) changing the cancellation/termination dates to conform to farming practices; (9) providing that any changes in the policy will be available in the service office by a certain date; (10) adding a definition for "service office;" (11) providing for unit determination when the acreage report is filed; (12) adding sections "descriptive headings," "notices" and "determinations;" and (13) redesignating Appendix B to Part 438 as Appendix A, listing the counties wherein Tomato Crop Insurance is otherwise authorized to be offered.

In addition, FCIC issues a new subsection in the canning and processing tomato crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring canning and processing tomatoes in accordance with Departmental Regulation 1512-1 (December 15, 1983), requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 (December 15, 1983). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action: (1) Is not a major rule as defined by Executive Order No. 12291 (February 17 1981), because it will not have an annual effect on the economy of $100 million or more, and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which these

regulations apply are: Title—Crop Insurance; Number 10.450.

As set forth in the notice related to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, are excluded from the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

On Friday, November 18, 1983, FCIC published a notice of proposed rulemaking in the Federal Register at 48 FR 52471, to amend the Canning and Processing Tomato Crop Insurance Regulations (7 CFR Part 438) in the manner outlined in the summary to this document. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, with the redesignation of Appendix B to Apendix A, listing counties wherein tomato crop insurance is authorized to be offered, the proposed rule as published is hereby adopted with minor clerical and clarifying changes as a final rule, effective for the 1984 and succeeding crop years.

List of Subjects in 7 CFR Part 438

Crop insurance (Canning and processing tomato).

Final Rule

PART 438—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Canning and Processing Tomato Crop Insurance Regulations, effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 438 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 438.3 is added to read as follows:

§ 438.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 438) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007

3. 7 CFR 438.7(d) is revised to read as set forth below:

§ 438.7 [Amended]

* * * * *

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37 400.38); and may be amended from time to time for subsequent crop years. The provisions of the Tomato Insurance Policy for the 1984 and succeeding crop years, are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Canning and Processing Tomato—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake;
(7) Volcanic eruption; or
(8) Failure of the irrigation water supply from an unavoidable cause occurring after the beginning of planting,

unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We shall not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrong doing of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good tomato farming practices;

(3) The impoundment of water by any governmental, public or private dam or reservoir project;

(4) Failure to market the tomatoes when such failure is not due to an insurable cause; or

(5) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be tomatoes planted for harvest as canning or processing tomatoes, grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be tomatoes planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured tomatoes at the time of planting.

d. We do not insure any acreage:

(1) Which is not grown under a contract with a canner or processor or excluded from the canner or processor contract for, or during, the crop year (The contract must be executed and effective before you report your acreage);

(2) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(3) Which is irrigated and an irrigated practice is not provided for by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(4) Which is destroyed, it is practical to replant to tomatoes but such acreage is not replanted;

(5) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;

(6) Of volunteer tomatoes;

(7) Planted to a type or variety of tomatoes not established as adapted to the area or excluded by the actuarial table; or

(8) Planted for the development or production of hybrid seed or experimental purposes.

e. Where insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good tomato irrigation practice at the time of planting; and

(2) Any loss of production cause by failure of the water supply tomato irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. Report of acreage, share, practice, and yield.

You must report on our form:

a. All the acreage of tomatoes in the county in which you have a share;

b. The practice;

c. Your share at the time of planting; and

d. Your preceding year's insurable acreage and the tonnage produced therefrom.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any tomatoes planted in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice

or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. The production guarantees are progressive by periods as designated by the actuarial table.

c. Any acreage of tomatoes damaged to the extent that growers in the area generally would not further care for the tomatoes will be deemed to have been destroyed even though the tomatoes continue to be cared for. The production guarantee for such acreage will be the guarantee designated by the actuarial table for the period in which such destruction occurs. The final stage guarantee will apply only to harvested acreage.

d. Coverage level 2 will apply if you do not elect a coverage level.

e. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract will be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a will be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the tomatoes are planted and ends at the earliest of:

a. Total destruction of the tomatoes;

b. Harvest or removal from the field;

c. Final adjustment of a loss; or

d. The following dates of the calendar year in which tomatoes are normally harvested:

(1) California—October 20; or

(2) All other states—October 10.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) During the period before harvest, the tomatoes on any unit are damaged and you decide not to further care for or harvest any part of them;

(b) You want our consent to put the acreage to another use; or

(c) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the tomatoes and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given and a representative sample of the unharvested tomatoes (at least 10 feet wide and the entire length of the field) must be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) If an indemnity is to be claimed on any unit notice must be given immediately when and if the following circumstances occur:

(a) When harvest would normally start if any acreage on the unit is not to be harvested;

(b) After discontinuance of harvest on the unit;

(c) If you are unable to deliver production to the canner or processor; or

(d) When harvest is completed on the unit.

(5) In addition to the notices otherwise required, (unless notice has been given under subsection (4) above), if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earlier of:

(a) Total destruction of the tomatoes on the unit; or

(b) The calendar date for the end of the insurance period.

b. The tomato vines on any hand harvested acreage must not be destroyed until inspected by us if an indemnity is to be claimed on the unit.

c. You must obtain written consent from us before you destroy any tomatoes which are not to be harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the tomatoes on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of tomatoes on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of tomatoes to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) All tomato production marketed and any tomato production which does not meet the quality requirements of the canner or processor contract due to not being timely marketed will be considered production to count.

(2) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good tomato farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) For acreage which does not qualify for the final period guarantee, any amount of appraised and harvested production in excess of the difference between the final period guarantee and the guarantee applicable to such acreage will be counted, except that all appraised production lost due to uninsured causes will be counted.

(3) Our appraisal on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage:

(a) Is not put to another use before harvest of tomatoes becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(4) The amount of production of any unharvested tomatoes may be determined on the basis of field appraisals conducted after the end of the insurance period.

(5) When you have elected to exclude hail and fire as insured causes of loss and the tomatoes are damaged by hail or fire, appraisals for uninsured causes will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire"

(6) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We must pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the tomatoes are planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all tomatoes produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim will be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date such payment was approved.

d. The cancellation and termination dates are:

State	Cancellation and termination dates
California	Feb. 15.
All other states	Apr. 15.

e. If you die or are judicially declared incompetent, or if you are an entity other

than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date and by November 30 preceding the cancellation date for all other counties. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of canning and processing tomato crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding tomato insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the tomatoes are normally grown and will be designated by the calendar year in which the tomatoes are normally harvested.

d. "Harvest" or "harvested" as to any insured acreage not deemed to have been destroyed earlier, means severance of tomatoes from the vines and delivery of such tomatoes under your contract with a canner or processor.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the tomatoes or a share of the proceeds therefrom.

j. "Unit" means all insurable acreage of tomatoes in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the tomatoes on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units as herein defined will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

4. The Appendix to § 438.7 "Additional Terms and Conditions" is removed.

5. 7 CFR Part 438 is further amended by redesignating Appendix B as Appendix A.

Approved by the Board of Directors on May 24, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 19, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-17449 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 446

[Docket No. 1079S]

Walnut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby issues a new part in Chapter IV of Title 7 of the Code of Federal Regulations to prescribe procedures for insuring walnuts, effective for the 1984 and succeeding crop years. The intended effect of this rule is to make final a notice of proposed rulemaking published in the Federal Register on December 7, 1983.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512-1 (December 15, 1983). This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 30, 1989.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will have an annual effect on the economy of $100 million or more, and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

As set forth in the notice related to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, are excluded from the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

On Wednesday, December 7, 1983, FCIC published a notice of proposed rulemaking prescribing procedure for insuring walnuts at 48 FR 54825. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, the proposed rule as published with minor clerical changes, is hereby adopted as a final rule.

List of Subjects in 7 CFR Part 446

Crop insurance (Walnuts).

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Part 446 in Chapter IV of Title 7 of the Code of Federal regulations to be known as 7 CFR Part 446—Walnut Crop Insurance Regulations, to read as follows:

PART 446—WALNUT CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1984 and Succeeding Crop Years

Sec.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1984 and Succeeding Crop Years

§ 446.1 Availability of walnut crop insurance.

Insurance will be offered under the provisions of this subpart on walnuts in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties will be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there will published by appendix to this part the names of the counties in which walnut insurance will be offered.

§ 446.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager will establish premium rates, production guarantees, coverage levels, and prices at which indemnities will be computed for walnuts which will be included in the actuarial table on file in service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 446.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 446) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007

§ 446.4 .Creditors.

An interest of a person in an insured crop existing by virtue of a lien, morgtage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest, will not entitle the holder of the interest to any benefit under the contract except as provided by the policy.

§ 446.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the walnut insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person will be granted relief the same as if otherwise entitled thereto.

§ 446.6 The contract.

(a) The insurance contracts will become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract will cover the walnut crop as provided in the policy. The contract consists of the application, the policy, the appendix, and the county actuarial table. Any changes made in the contract will not affect its continuity from year to year. The forms referred to in the contract are available at the service offices.

§ 446.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the walnut crop as landlord, owner-operator, or tenant. The application must be submitted to the Corporation at the service office on or before the applicable closing date for the county on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1984 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a walnut contract issued under such prior regulations, without the filing of new application.

(d) The application for the 1984 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37- 400.38), and may be amended from time to time for subsequent crop years. The provisions of the Walnut Insurance Policy are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Walnut—Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Wildlife;

(4) Earthquake;

(5) Volcanic eruption;

(6) Direct Mediterranean Fruit Fly damage; or

(7) Failure of the water supply from an unavoidable cause occurring after insurance attaches, unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(3). Direct Mediterranean Fruit Fly damage is actual physical damage to the walnuts which causes such walnuts to be considered unmarketable and does not include unmarketability of such walnuts as a direct result of a quarantine, boycott or refusal to accept the walnuts by any entity without regard to actual physical damage to such walnuts.

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good walnut farming practices;

(3) The impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be English Walnuts (excluding black walnuts) hereafter called "walnuts" which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be walnuts grown on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured walnuts at the time insurance attaches.

d. We do not insure any acreage:

(1) On which the trees have not reached the ninth growing season after being set out unless we agree in writing to insure such acreage; or

(2) Planted with a crop other than walnuts.

e. Where insurance is provided for an irrigated practice:

(1) You must report as irrigated only the acreage for which you have adequate facilities and water to carry out a good walnut irrigation practice at the time insurance attaches; and

(2) Any loss of production caused by failure to carry out a good walnut irrigation practice, except failure of the water supply from an unavoidable cause occurring after insurance attaches, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. Insurance may attach only by written agreement with us on any unit which consists of less than 5 acres of walnuts.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

3. Report of acreage, share, yield, and practice.

You must report on our form:

a. All the acreage of walnuts in the county in which you have a share;

b. The practice;

c. Your share at the time insurance attaches; and

d. The total production from the preceding crop year's insurable acreage on each unit.

You must designate separately any acreage that is not insurable. You must report if you do not have a share in any walnuts grown in the county. This report must be submitted annually on or before March 1. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. If the number of bearing trees (ninth growing season and older) is reduced more than 10 percent from the preceding calendar year as a result of damage occurring within that year, the production guarantee will be reduced 1 percent for each percent reduction in excess of 10 percent.

c. Coverage level 2 will apply if you have not elected a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Number of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Number of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract will be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the orchard operation; or

(3) Your contract if you stop orchard operations in one county and start orchard operations in another county.

d. If participation is not continuous, any premium will be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a will be applicable.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7 Insurance period.

Insurance attaches for each crop year on March 1 and ends at the earliest of:

a. Total destruction of the walnuts;

b. Harvest of the walnuts;

c. Final adjustment of a loss; or

d. November 15.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if during the period before harvest, the walnuts on any unit are damaged and you decide not to further care for them.

(2) You must give us written notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined or if damage occurs during harvest, immediate notice must be given.

(4) In addition to the notice required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the walnuts on the unit;

(b) Harvest of the unit; or

(c) November 15 of the crop year.

b. You must obtain written consent from us before you destroy any of the walnuts which are not to be harvested.

c. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the walnuts on the unit;

(2) Harvest of the unit; or

(3) November 15 of the crop year.

b. We will not pay any indemnity unless you:

(1) Establish the total production of walnuts on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of walnuts to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity will be reduced proportionately.

e. The total production to be counted for a unit will include all harvested and appraised production.

(1) Appraised production to be counted will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good walnut farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause or destroyed without our consent;

(c) Any unharvested production.

(2) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production:

(a) Is marketed; or

(b) Is further damaged by an insured cause.

(3) When you have elected to exclude hail and fire as insured causes of loss and the walnuts are damaged by hail or fire, appraisals for uninsured causes will be made in accordance with Form FCI-78, "Requests to Exclude Hail and Fire"

(4) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. You must not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

h. We will pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no instance will we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

i. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

j. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery will at our option belong to

us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all walnuts produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date such payment was approved.

d. The cancellation and termination dates are January 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election a which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by October 31, preceding the cancellation date. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of walnut crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding walnut insurance in the county.

b. "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and will be designated by the calendar year in which the walnuts are normally harvested.

e. "Harvest" means picking up the walnuts for the purpose of removal from the orchard.

f. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

g. "Insured" means the person who submitted the application accepted by us.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the walnuts or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage of walnuts in the county located on contiguous land on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the walnuts on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Appendix A—Counties Designated for Walnut Crop Insurance

The following counties are designated for Walnut Crop Insurance under the provisions of 7 CFR 446.1.

California

San Joaquin	Tehama
Stanislaus	Tulare
Sutter	

Done in Washington, D.C., on May 2, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 22, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-17437 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Stabilization and Conservation Service

7 CFR Parts 724, 725, and 726

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Acreage Allotment and Marketing Quota Regulations and Tobacco Loan Program Regulations

AGENCY: Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC), USDA.

ACTION: Interim rule.

SUMMARY: This rule amends the regulations at 7 CFR Part 1464 to expand the coverage of the certification with respect to the use of pesticides on tobacco pledged as collateral for price support loans. Certification will be required that: (1) All pesticide products used on the tobacco have been approved by the Environmental Protection Agency (EPA) and (2) the pesticide products have been used in accordance with label directions. Producers who make false certifications with respect to the use of pesticides, fail to file the certifications, or refuse to permit sampling of tobacco will be ineligible to receive price support on tobacco produced during the marketing year.

Currently the certification is required with respect to the use of pesticides specified in 7 CFR Parts 724, 725, and 726. The provisions with respect to certification as to the use of pesticides on tobacco are being deleted from those Parts and certain implementing provisions which were contained therein are being incorporated in 7 CFR Part 1464.

DATES: Interim rule effective June 27 1984. Comments must be received on or before August 1, 1984 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA.

FOR FURTHER INFORMATION CONTACT: C. Douglas Richardson, Agricultural Program Specialist, Tobacco and Peanuts Division, P.O. Box 2415, Washington, D.C. 20013 (202) 447-4281.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog or Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since ASCS and CCC are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Producers of tobacco need to be informed of the provisions of this rule as soon as possible since the time is approaching for the application of pesticides on their 1984 crop of tobacco. Accordingly, it has been determined that this interim rule shall become effective upon the date of filing with the Director, Office of the Federal Register, without prior opportunity for public comment. However, the public is invited to comment on this interim rule for a period of 30 days after the date of publication in the Federal Register. A final document discussing comments received and any amendments to this interim rule which may be considered necessary will be published in the Federal Register as soon as possible.

Currently, as a condition of eligibility for receiving price support, a report is required to be filed certifying whether DDT, TDE, toxaphene, and endrin have been used on tobacco. However, there are various other pesticide products which might be used on tobacco.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"), allows the Environmental Protection Agency (EPA) to register all pesticides including those used on tobacco. FIFRA defines the term "pesticide" to mean, in part, any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. A part of the registration process includes an EPA review of pesticide labels to include approved usages of the chemical.

The Department recognizes that pesticides are essential to farming operations, to protect human health, and to manage natural resources. Pesticides must be used wisely, safely, and in concert with other effective protection practices. The Department also recognizes that pesticides must be used only within limits consistent with the maintenance of human health, safety, and environmental quality. When pesticides are applied to tobacco that are not approved for such use or are not applied in accordance with label directions, the quality of the tobacco may be damaged.

Buyers of tobacco, in determining whether to purchase tobacco, analyze samples of the tobacco leaf to determine, among other things, whether the quality of the tobacco has been affected adversely by the pesticides used on the tobacco. If this has happened, a drastic reduction in the value of the tobacco may occur. This may result in large quantities of undesirable tobacco being pledged as collateral for CCC price support loans. Therefore, the certification with respect to the use of pesticides on tobacco, as a condition of eligible for price support loans on the tobacco, is being expanded to cover all pesticides.

7 CFR Parts 724, 725, and 726 are amended to remove any reference to use of pesticides. All references to the use of pesticides on tobacco, as a condition of eligibility for price support, are transferred to and consolidated at 7 CFR Part 1464.

List of Subjects in 7 CFR Parts 724, 725, 726 and 1464

Acreage allotment, Marketing quota, Reporting and recordkeeping requirements, Price Support Program, Tobacco.

Interim Rule

PARTS 724, 725, 726, AND 1464—[AMENDED]

Accordingly, Title 7 of the CFR, Chapters VII and XIV, are amended as follows:

1. Parts 724, 725 and 726 are amended by removing §§ 724.110, 725.114, and 726.104.

2. In Part 1464, § 1464.7(e) is amended by removing "(1)" appearing immediately after (e); by changing the designations "(i)" and "(ii)" to (a) and (b) respectively; by removing the period at the end of paragraph (e) and inserting in its place "; and" and by adding a new paragraph (f) to read as follows:

§ 1464.7 Eligible producers.

* * * * *

(f) The producer has filed a report, with respect to tobacco to be used as collateral for a price support loan, certifying with respect to the use of pesticides on the tobacco as provided in § 1464.8; however, if the Administrator or his designee determines that the producer has filed a false report, failed to file a report, or refused to permit the sampling of tobacco to determine pesticide use, the producer will be ineligible to receive price support on tobacco produced during the marketing year. A producer may recertify with respect to pesticide usage if the recertification is filed prior to the time the tobacco has been offered as collateral for a price support loan or a request has been made to collect a sample for chemical analysis. Samples may be collected from the producer's tobacco where stored or on the producer's farm. Any producer who believes that the determination is not correct may file an appeal in accordance with 7 CFR Part 780.

3. In § 1464.8, paragraph (c) is revised to read as follows:

§ 1464.8 Eligible tobacco.

* * * * *

(c) A report with respect thereto has been filed, on a form approved by the Deputy Administrator, by the producer with the local county ASC committee or, if Puerto Rican tobacco, with the Association certifying that all pesticides (incuding plant regulator, defoliants, and desiccants), as defined in 40 CFR 162.3, which were used in connection with the production of the tobacco, have been approved by the Environmental Protection Agency and that the pesticides have been used in accordance with label directions.

* * * * *

§ 1464.11 [Amended]

4. Section 1464.11 is amended by deleting in the first sentence "Number 0560–0076" and inserting in lieu thereof "Numbers 0560–0047 and 0560–0076"

Authority: Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c) secs. 101, 105, 401, 403, 63 Stat. 1051 as amended, 74 Stat. 6 as amended, 63 Stat. 1054, as amended (7 U.S.C. 1441, 1445, 1421, 1423).

Signed at Washington, D.C. on June 27, 1984.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-17504 Filed 6-27-84; 3:10 pm]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 923

[Washington Cherry Reg. 22]

Sweet Cherries Grown in Designated Counties in Washington; Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule extends beyond July 2, 1984, a minimum size requirement of 50/64 inch in diameter for certain shipments of Washington sweet cherries. Such action is designed to promote orderly marketing of cherries of suitable sizes in the interest of producers and consumers.

EFFECTIVE DATE: July 3, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Washington Cherry Marketing Committee, and other information.

This final rule extends indefinitely requirements specified in an interim rule which increased the minimum size to 50/64 inch in diameter from 48/64 inch for certain cherry shipments for the period May 28 through July 2, 1984. Such increase applies to all such shipments, except for cherries packed in face-packed containers, containers with 20 pounds or more of cherries, and cherries in experimental containers in which case the cherries must be at least 54/64 inch in diameter. In addition, the regulatory requirements do not apply to "light sweet cherry" varieties. This size increase is designed to improve the quality of the cherry pack by eliminating small sized fruit, thereby increasing sales and improving growers returns. Such action is appropriate as shipment of small sized fruit disrupts orderly marketing because it undermines buyer confidence in the quality of all fruit sold in the markets.

This final rule also revises paragraphs (a)(3), (b)(2)(ii), and (c)(2) by increasing the minimum size specified in the 5 percent tolerance for undersized fruit from 48/64 inch to 50/64 inch. Such revisions were recommended by the committee but inadvertently left out of the interim rule in the case of paragraphs (a)(3) and (b)(2)(ii). Such revisions pertain to specifications for applying the 5 percent undersize tolerance, and are not significant.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the Federal Register (5 U.S.C. 553) because of insufficient time between the date when information became available upon which this rule is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the requirements specified in this rule at an open meeting at which the committee without opposition recommended issuance of such requirements to become effective as soon as possible. Washington cherry handlers have been apprised of the final rule's provisions, and shipment of cherries is currently in progress. The provisions in the final rule are the same as those in an interim rule published in the Federal Register (49 FR 20641) on May 16, 1984, except for the two additional minor revisions previously discussed. The interim rule provided that comments could be filed through June 15, 1984, none of which were received. It is found that this final rule will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 923

Marketing agreements and orders, Cherries, Washington.

PART 923—[AMENDED]

Therefore, § 93.322 is amended by revising the heading introductory text of paragraphs (a) and (b), and paragraphs (a)(2), (a)(3), (b)(2)(ii), and (c)(2) to read as follows:

§ 923.322 Washington Cherry Regulation 22.

On and after July 3, 1984:

(a) *Grade and size.* No handler shall handle, except as otherwise provided in this section, any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries" unless such cherries meet each of the following applicable requirements:

* * * *

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than 50/64 inch in diameter, except as provided in paragraphs (a)(3) and (b)(2)(ii) of this section.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than 54/64 inch in diameter and not more than 5 percent, by count, may be less than 50/64 inch in diameter.

(b) *Containers.* No handler shall handle any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries" unless such cherries are in containers which meet each of the following applicable requirements: * * *

(2) * * *

(ii) At least 90 percent, by count, of the cherries in any lot of such containers

shall measure not less than 54/64 inch in diameter, and not more than 5 percent, by count, may be less than 50/64 inch in diameter.

(c) * * *

(2) When containers of cherries are marked with a minimum diameter of 54/64 inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than such minimum diameter: *Provided,* That not more than 5 percent, by count, may be smaller than 50/64 inch in diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended 7 U.S.C. 601–674)

Dated: June 27 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-17514 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization; Field Service Realignment

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule realigns the operational jurisdiction of the San Francisco, California and Los Angeles, California district offices. These changes are made to bring the operational jurisdiction in line with the principles of good management.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: With a view toward more efficient management and more expedient services to the public, the Service is realigning the jurisdictional boundaries of its Los Angeles, California and San Francisco, California district offices by transferring Kern and Inyo counties from the Los Angeles District to the San Francisco District.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant impact on a substantial number of small entities.

This order is not a rule within the definition of section 1(a) of E.O. 12291 as it relates solely to agency management.

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Organization and functions (Government agencies).

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

1. In § 100.4, paragraph (b)(13) is amended by adding in alphabetical order "Inyo" and "Kern" to the listing of counties in the State of California under the jurisdiction of the San Francisco, California district office.

2. In § 100.4, paragraph (b)(16) is amended by removing "Inyo" and "Kern" from the listing of counties under the jurisdiction of the Los Angeles, California district office.

(Sec. 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103))

Dated: June 25, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 84-17453 Filed 6-29-84; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 238

Contracts With Transportation Lines; Addition of Caribbean Express, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States by adding the name of Caribbean Express, Inc.

EFFECTIVE DATE: June 19, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Caribbean Express, Inc. on June 19, 1984 to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier's name to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspection.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended by adding the name "Caribbean Express, Inc." under "At Freeport"

(Secs. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: June 25, 1984.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization service.

[FR Doc. 84-17452 Filed 6-29-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 84-029]

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations concerning the importation of animals to require that importers of horses that are to be quarantined at privately-operated quarantine facilities must apply for and obtain import permits prior to entry of the horses into the United States. Under the regulations, it is necessary for Veterinary Services

(VS) personnel to conduct examinations, collect or supervise the collection of diagnostic specimens, and supervise the isolation, quarantine, care, and handling of the horses to ensure that they meet the Department's quarantine requirements before release into the United States. The import permit requirement is necessary to provide prior notice of the arrival of the horses so that arrangements can be made for the availability of VS personnel to conduct the necessary activities. Further, the information required to be submitted in the application for the import permit is necessary to identify the horses, to allow VS to contact persons for the purpose of obtaining any necessary clarifications concerning the horses, to ensure that the privately operated quarantine facility does not exceed its capacity, to help determine entry requirements for the horses, and to help trace the horses after quarantine.

DATE: Effective date of the interim rule is July 2, 1984. Comments must be received on or before August 31, 1984.

ADDRESS: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, 8 a.m. to 4:30 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, Import/Export Animals and Products Staff, VS, APHIS, USDA, Room 843, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, (301) 436-8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 92 (referred to below as the regulations) contain, among other things, provisions concerning the importation of horses into the United States. In order to help prevent the introduction and dissemination of communicable diseases of horses, the regulations in § 92.3 (a) and (g) provide, with certain exceptions, that horses intended for importation into the United States are to be entered at certain ports and quarantined at United States Department of Agriculture quarantine facilities or at privately-operated quarantine facilities approved by the Deputy Administrator for Veterinary Services (VS). This document amends the regulations to require that importers of horses that are to be quarantined at privately-operated quarantine facilities must apply for and obtain import permits from VS prior to entry of the horses into the United States.

Prior to the effective date of this document, the regulations already contain import permit provisions. In this connection the regulations in § 92.4 already require that importers apply for and obtain import permits from VS prior to the entry of horses from countries in which contagious equine metritis exists. The regulations in § 92.4 also already require that importers apply for and obtain import permits from VS prior to the entry of certain other animals, certain birds, animal semen, poultry semen, and animal test specimens for diagnostic screening purposes. Under the provisions of § 92.4(a)(1), the application for an import permit must state:

> the name and address of the importer; the species, breed, number or quantity of animals, animal semen, or animal test specimens to be imported; the purpose of the importation; individual animal identification (except poultry), which includes a description of the animal, name, age, markings, if any, registration number, if any, and tattoo or eartag; the country of origin; the name and address of the exporter; the port of embarkation in the foreign country; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the animals, animal semen, or animal test specimens to be imported; and the name of the person to whom the animals, animal semen, or animal test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry.

Section 92.4(a)(1) provides further that:

> Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals, animal semen or animal test specimens have been subjected. Notice of any such requirement will be given to the applicant in each case.

Most importers of horses that are to be quarantined at privately-operated quarantine facilities already voluntarily apply for and obtain import permits prior to the entry of such horses. However, some do not apply for and obtain such import permits. Therefore, it is necessary that the regulations be amended on an emergency basis to require that importers apply for and obtain import permits prior to the entry of any horses to be quarantined at privately-operated quarantine facilities.

Under the regulations, it is necessary for VS personnel to conduct examinations, collect or supervise the collection of diagnostic specimens, and supervise the isolation, quarantine, care, and handling of the horses to ensure that they meet the Department's quarantine requirements before release into the United States. The import permit requirements are necessary to provide prior notice of the arrival of the horses so that arrangements can be made for the availability of VS personnel to conduct the necessary activities. Further, the information required to be submitted in the application for the import permit is necessary to identify the horses, to allow VS to contact persons for the purpose of obtaining any necessary clarifications concerning the horses, to ensure that the privately operated quarantine facility does not exceed its capacity, to help determine entry requirements for the horses, and to help trace the horses after quarantine.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of APHIS for Veterinary Services, has determined for the reasons stated above that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this interim rule are impracticable, unnecessary and contrary to the public interest and good cause is found for making this interim rule effective less than 30 days after publication in the Federal Register. Comments are being solicited for 60 days after publication of this document. A final document discussing comments received and any amendments required will be published in the Federal Register.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in accordance with Executive Order 12291 and has been determined to be not a major rule. The Department has determined that this action will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Most importers of horses that are to be quarantined at privately-operated quarantine facilities already voluntarily apply for and obtain import permits prior to the entry into the United States of such horses. This rule will only affect a few importers who do not now obtain such permits, and it is anticipated that the changes made by this document will have very little economic impact on such importers of horses.

Based on the circumstances explained above, Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic effect on a substantial number of small entities.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provisions that are included in this rule have been approved by the Office of Management and Budget (OMB) and have been given the OMB control number 0579–0040.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Mexico, Poultry & poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMALS AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, 9 CFR Part 92 is amended as follows:

§ 92.3 [Amended]

1. In § 92.3, paragraph (g) is amended by adding "§ 92.4(a)," immediately after the reference to "§ 92.2(i),"

§ 92.4 [Amended]

2. In § 92.4, the first sentence of paragraph (a)(1) and the first sentence of paragraph (a)(3) are amended by adding "horses intended for quarantine at a quarantine facility provided by the importer," immediately after "regulations,"

Authority: Sec. 2, 32 Stat. 792, as amended; Secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f, 7 CFR 2.17, 2.51, 371.2(d).

Done at Washington, D.C., this 27th day of June, 1984.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 84–17477 Filed 6–29–84; 8:45 am]
BILLING CODE 3410–34–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 140

Debt Collection

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is promulgating rules governing the collection of debts owed to SBA and to the United States. These rules indicate new procedures which may be utilized in the SBA debt collection process. The three additional procedures are: (1) Information disclosure to consumer reporting agencies; (2) salary offset; and (3) administrative offset. These procedures are separate and distinct from each other. Any one procedure may be used by itself or in conjunction with one (or both) of the other two procedures. However, salary offset and administrative offset may only be utilized after the normal governmental collection procedures are tried and found to be unproductive. In addition, all three procedures allow for review of the claim prior to initiating the particular procedure. Review of the information disclosure process will be conducted by the SBA field office in which the claim is lodged; review of salary offset and administrative offset will be conducted by SBA's Office of Hearings and Appeals. These rules reflect the changes to Federal claims collection made by the Debt Collection Act of 1982 (Pub. L. 97–365), which was enacted on October 25, 1982. Chapter 1 of Title 13 of the Code of Federal Regulations (CFR) is amended, by adding a new Part 140, to take into account these rules.

DATES: These regulations are effective August 1, 1984.

ADDRESS: Written comments should be addressed to Martin Teckler, Associate General Counsel for Legislation, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Martin Teckler, (202) 653–6797

SUPPLEMENTARY INFORMATION: SBA published proposed regulations concerning debt collection on January 25, 1984, 49 FR 3090. These rules set forth proposed procedures for (1) disclosing information regarding individual debtors to consumer reporting agencies, (2) offsetting the Federal pay of current and former SBA employees who are indebted to the United States, and (3) withholding money payable by the United States to, or held by the United States on behalf of, a person to satisfy a debt owed to SBA by that person. SBA received no comments from anyone outside the Agency concerning these proposed rules. Consequently, SBA is adopting the proposed rules as final rules with some minor technical changes and clarifications.

The Debt Collection Act of 1982 was designed to increase the efficiency of government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of such debts. These final rules will implement those purposes. Section 140.1 states that the scope of these regulations is to prescribe procedures which may be used by SBA to collect debts owed to SBA and to the United States. The failure of SBA to comply with any provision of these regulations will not be available as a defense to the debtor to the collection of the claim through judicial process.

Section 140.2 contains definitions of various terms used in these regulations. The definitions of "administrative offset," "consumer reporting agency," "disposal pay," "person," "salary offset," and "system of records," are essentially derived from Pub. L. 97–365. This section also defines the terms "debt" and "waiver" for purposes of § 140.4 of these regulations.

Section 140.3 describes the information disclosure procedure, derived from section 3 of Pub. L. 97–365, which is available for use in the collection of overdue debts. This procedure is available only against individual debtors. It does not apply to debts of business concerns, even where a concern is a sole proprietorship. Section 140.3(a) allows SBA to disclose to consumer reporting agencies information from a system of records that an individual is responsible for a claim if four specified requirements are met. These are essentially the same requirements as those indicated in Pub. L. 97–365.

First, the notice for the system of records required by section 552a(e)(4) of title 5, United States Code, must indicate that information in the system might be disclosed to a consumer reporting agency. Second, SBA is required to review the claim and determine that it is valid and overdue. Third, SBA must send the individual written notice informing him of four things: (1) That the payment of the debt is overdue; (2) that SBA intends to disclose to a consumer reporting agency that the individual is responsible for such debt; (3) the specific information intended to be disclosed; and (4) the individual's rights to an explanation of the claim, to dispute any records concerning the

claim, and to an appeal or review of the claim. In addition, this notice must include a statement that SBA may disclose such information to consumer reporting agencies 60 days after sending this notice. Fourth, the individual has not repaid or agreed to repay the claim under a repayment plan suitable to SBA, and has not filed for review of the claim under § 140.3(d).

Section 140.3(b) prohibits SBA, where SBA discovers that it is unable to contact the individual, from disclosing information to consumer reporting agencies unless SBA makes reasonable efforts to locate the individual. Paragraph 140.3(b)(2) gives three examples of what constitutes "reasonable efforts," but in no way limits the definition of such term to those instances. A good faith mailing of the required notice to the debtor's last known address will constitute "reasonable efforts."

Section 140.3(c) describes what is permitted to be disclosed to consumer reporting agencies. The content of the disclosure will be limited to the same way as it is in Pub. L. 97-365. Essentially, the disclosure is limited to information regarding the identity of the individual and the nature of the claim.

Section 140.3(d) requires SBA, prior to disclosure to consumer reporting agencies, to provide for the opportunity for review of the claim by the SBA field office in which the claim is lodged, upon the timely request of the individual. SBA is required to issue a final decision concerning the claim within 60 days of the lawful request for review by the individual.

Section 140.3(e) requires SBA to automatically disclose any substantial change in the claim, and to verify or correct information concerning the claim upon the request of any consumer reporting agency. It also requires SBA to obtain adequate assurances from each consumer reporting agency concerning compliance by such agency with any Federal law governing the provision of consumer credit information.

Section 140.4 deals with the salary offset procedure for collecting debts owed to the United States. Section 140.4 is incorporated from section 5 of Pub. L. 97-365. It permits SBA to make deductions from the authorized pay of an SBA employee who is indebted to the United States. These deductions are limited to 15 percent of disposable pay, unless the individual consents to a higher percentage in a signed writing.

Section 140.4(b) requires the head of the agency to which the debt is owed, or his designee, to give the SBA employee a minimum of 30 days written notice that such agency intended to collect the debt owed to the United States through deductions from pay. The employee is entitled to a hearing to dispute the existence or amount of the debt, or the proposed repayment schedule. The employee must submit a written petition for a hearing within 15 days of receiving the notice from the creditor agency. This notice is required to provide the employee with the same four requisities as Pub. L. 97-365. It must also inform the employee if there is a statutory provision authorizing waiver, remission or forgiveness of the debt owed to the United States. If a waiver of the debt is sought by the SBA employee, the creditor agency will issue a written response answering the issues raised in the employee's request. If a waiver is denied or the debt is otherwise in dispute, the employee must be informed that he or she has the right to a hearing before SBA's Office of Hearings and Appeals. A hearing will be conducted by SBA's Chief Administrative Law Judge upon the timely request for a hearing by an individual against whom salary offset is asserted; a final decision must be issued within 60 days after the filing of the petition. An employee who does not file a written petition waives his or her right to a hearing.

Section 140.5 authorizes SBA, after attempting to collect a claim from a person under normal SBA collection procedures, to collect the claim by means of administrative offset. Section 140.5 essentially contains the same requirements of section 10 of Pub. L. 97-365. Prior to the use of administrative offset as a collection device, SBA must notify the debtor of SBA's intention to utilize admimstrative offset. SBA is also required to afford the debtor an opportunity for a review of the claim by SBA's Office of Hearings and Appeals upon the written request of the debtor for such review. The mandatory SBA notice will provide the debtor with the same four requirements as Pub. L. 97-365. The right to review will be deemed to be waived if an individual does not timely file a written petition requesting review.

SBA has determined that these rules do not constitute major rules for the purpose of Executive Order 12291. They are procedural in nature and in and of themselves do not impose costs upon the businesses which might be affected by them. In addition, since these rules are procedural in nature, they do not constitute rules which are covered by the Regulatory Flexibility Act, 5 U.S.C. 501, *et seq.*, since they do not have a significant economic impact on a substantial number of small entities.

This rulemaking contains no reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 13 CFR Part 140

Credit, Practice and procedure, Small business.

Therefore, pursuant to the authority contained in section 5 (b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), 13 CFR is amended to add the following new Part 140.

PART 140—DEBT COLLECTION

Sec.

Authority: Sec. 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6).

§ 140.1 Scope.

These regulations prescribe procedures which may be utilized by SBA in the collection of debts owed to SBA and to the United States. The failure of SBA to comply with any provision of these regulations shall not be available as a defense to the debtor to the collection of the claim through judicial process.

§ 140.2 Definitions.

(a) "Administrative offset" means the withholding of money payable by the United States to or held by the United States on behalf of a person to satisfy a debt owed to the United States by that person.

(b) "Consumer reporting agency" means—

(1) Any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports; or

(2) Any person who, for monetary fees, dues, or on a cooperative basis, regularly engages in whole or in part in the practice of (A) Obtaining credit or other information on consumers for the purpose of furnishing such information to consumer reporting agencies (as defined in paragraph (b)(1) of this section), or (B) Serving as a marketing agent under arrangements enabling third parties to obtain such information from such reporting agencies.

(c) "Debt" or "indebtedness," for purposes of § 140.4 of these regulations, means an amount owed to the United

States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, fines, penalties, damages, interest, forfeitures, or any other source. However, it does not include intra-agency overpayments arising due to normal processing delays when—

(1) An employee elects coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay; or

(2) ministerial adjustments in pay rates or allowances which cannot be placed into effect immediately.

(d) "Disposable pay" means that part of pay of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(e) "Person," for purposes of § 140.5 of these regulations, does not include any agency of the United States, or of any State or local government. The term does include individuals and any form of business entity.

(f) "Salary offset" means the deduction of money from the current pay account of a present or former SBA employee payable by the United States to or held by the United States on behalf of such person to satisfy a debt owed to the United States by that person.

(g) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

(h) "Waiver," for purposes of § 140.4, means the cancellation, remission, or forgiveness of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 5 U.S.C. 8346(b), 10 U.S.C. 2774, 32 U.S.C. 716, or any other similar law.

§ 140.3 Information disclosure.

(a) In attempting to collect a claim of SBA, the Administrator of SBA, or his designee, may disclose to a consumer reporting agency information from a system of records that an individual is responsible for a claim if the following requirements are met:

(1) The notice for the system of records required by section 552a(e)(4) of title 5, United States Code, indicates that information in the system may be disclosed to a consumer reporting agency;

(2) SBA has reviewed the claim and determined that it is valid and overdue;

(3) SBA has sent a written notice to the individual informing him—

(A) That the payment of the claim is overdue;

(B) That SBA intends to disclose to a consumer reporting agency, within not less than 60 days after sending such notice, that the individual is responsible for such claim;

(C) Of the specific information intended to be disclosed to the consumer reporting agency; and

(D) Of the rights of such individual to a full explanation of the claim, to dispute any information in SBA's records concerning the claim, and to administrative appeal or review with respect to the claim;

(4) Such individual has not:

(A) Repaid or agreed to repay such claim under a repayment plan which is agreeable to SBA and is in a written form signed by such individual; or

(B) Filed for review of such claim under paragraph (d) of this section.

(b) *Inability to contact debtor.* (1) If SBA knows or discovers that it is unable to contact the individual, SBA must make reasonable efforts to locate the individual prior to disclosure to a consumer reporting agency.

(2) Reasonable efforts include, but are not limited to, obtaining an address from the Internal Revenue Service, seeking an address from a consumer reporting agency, or making a good faith mailing of the required notice to the debtor's last known address.

(c) *Content of Disclosed Information.* The information disclosed by SBA to the consumer reporting agency is limited to: (1) The name, address, taxpayer identification number, and other information necessary to establish the identity of the individual; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose.

(d) *Review of the claim.* (1) Prior to a disclosure to any consumer reporting agency under subsection (a) of this section and at other times as may be permitted by law, SBA shall, upon the request of any individual alleged by SBA to be responsible for the claim, provide for the review of the obligation of such individual by the SBA field office in which the claim is lodged.

(A) An individual shall have 60 days from the date of SBA's mailing of the notice required under § 140.3(a)(3) to request a review of his claim before SBA may disclose any information to consumer reporting agencies.

(B) This review shall include an opportunity for reconsideration of the initial decision concerning the claim.

(2) SBA will issue a final decision at the earliest practicable date, but not later than 60 days after the lawful request for review by the debtor.

(e) *Subsequent Disclosure and Verification.* (1) SBA will promptly disclose any substantial change in the status or amount of the claim to each consumer reporting agency to which the original disclosure was made.

(2) SBA will promptly verify or correct information concerning the claim upon the request of any such consumer reporting agency for verification of any or all information so disclosed.

(3) SBA will obtain adequate assurances from each such consumer reporting agency concerning compliance by such consumer reporting agency with the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*), and any other Federal law governing the provision of consumer credit information.

§ 140.4 Salary offset.

(a) When SBA determines that an SBA employee is indebted to the United States for debts to which the United States is entitled to be repaid at the time of the determination, or is notified of such a debt by the head of another agency or his designee, the amount of indebtedness may be collected in monthly installments, or at officially established pay intervals, by deduction from the current pay account of the individual.

(1) These salary deductions may only be made after the usual SBA collection procedures are tried and found to be unproductive.

(2) The deductions may be made from basic pay, special pay, incentive pay, retired pay, retainer pay, or, in the case of an individual not entitled to basic pay, other authorized pay.

(3) The amount deducted for any period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted upon the signed written consent of the individual involved.

(4) If an employee terminates employment, a deduction may be made from final salary payments, from payment for accrued annual leave, against annuity payments, or from subsequent payments of any nature due the individual from SBA.

(A) Where an SBA employee is given a lump sum retirement benefit, the Agency may deduct any portion of such principal necessary to collect the debt.

(B) Where SBA is collecting the indebtedness through deductions from bi-weekly or monthly retirement payments, the Agency may not deduct more than 15 percent of disposable pay for any payment period, except that a greater percentage may be deducted upon the signed written consent of the individual involved.

(b) *Notice and Opportunity to be Heard.* (1) Prior to initiating any proceedings under paragraph (a) of this section to collect any indebtedness of an SBA employee, the head of the agency to which the debt is owed, or his designee, shall provide the SBA employee with—

(A) A minimum of 30 days written notice, informing such individual: Of the nature and amount of the indebtedness determined to be due; the intention of the agency to initiate proceedings with SBA to collect the debt through deductions from pay; the amount, frequency, approximate beginning date, and duration of the intended deduction; and an explanation of the rights of the individual under this paragraph (b) of this section;

(B) An opportunity to inspect and copy Government records relating to the debt;

(C) An opportunity to enter into a written agreement with the agency, under terms agreeable to the head of the agency or his designee, to establish a schedule for the repayment of the debt; and

(D) An opportunity for a hearing before SBA's Office of Hearings and Appeals concerning the determination of the existence or the amount of the debt, and in the case of an individual whose repayment schedule is established by a written agreement pursuant to paragraph (b)(1)(C), concerning the terms of the repayment schedule.

(2) If there is a statutory provision authorizing waiver, remission or forgiveness of the debt owed to the United States, such SBA employee is entitled to receive from the creditor agency—

(A) Notice of the provision and an explanation of the conditions under which waiver will be granted; such notice shall accompany the notice described in paragraph (b)(1)(A) of this section;

(B) A reasonable opportunity to request consideration for waiver; and

(C) If waiver is requested within 15 days of the receipt of such notice, a written response to the request by the creditor agency. Such response shall answer the issues raised in the employee's request; state the creditor agency's decision; and if the decision is not in the employee's favor, inform him or her whether there is a right to request a hearing before SBA's Office of Hearings and Appeals, that a hearing will be granted if the employee is entitled to one and timely files a request for a hearing, and that such hearing will be conducted prior to the initiation of deductions.

(3) Any alternative arrangement entered into pursuant to paragraph (b)(1)(C) of this section shall be signed by both the SBA employee and the creditor agency, and be documented in the creditor agency's files.

(4) A hearing, described in paragraph (b)(1)(D) of this section, shall be provided if the individual, on or before the 15th day following receipt of the notice described in paragraph (b)(1)(A) of this section, and in accordance with the procedures of SBA's Office of Hearings and Appeals, files a petition requesting such a hearing.

(A) The petition shall be in writing and certified and shall:

(i) State that the employee is seeking a hearing before SBA's Office of Hearings and Appeals pursuant to the Debt Collection Act of 1982 (Pub. L. 97-365) and these regulations;

(ii) Identify and explain with reasonable specificity and brevity the facts, evidence and witnesses which the employee believes support his or her petition;

(iii) State the relief requested; and

(iv) Include the signature of the petitioner or authorized representative and his or her address.

(B) The timely filing of a petition for a hearing will stay the commencement of collection proceedings.

(C) The hearing will be conducted by SBA's Office of Hearings and Appeals, pursuant to Part 134 of these regulations.

(D) SBA's Chief Administrative Law Judge will issue a written final decision at the earliest practicable date, but not later than 60 days after the timely filing of the petition requesting the hearing.

(E) Such final decision shall be based upon the whole record, be predicated upon a preponderance of the evidence, and include findings of fact and conclusions of law, with reasons therefor, upon each material issue of fact and law of decisional significance.

(F) If the employee requests a waiver within 15 days after receiving the notice specified by § 140.4(b)(2)(A), the time period for which an employee may file a petition for a hearing is suspended. An employee must then file a petition for a hearing within 15 days after the employee receives a written response from the creditor agency denying the request for a waiver.

(5) An employee waives his or her right to a hearing, and will have his or her disposable pay offset in accordance with the repayment schedule established by the head of the creditor agency or his designee, up to a maximum of 15 percent of disposable pay, if the employee fails to file a written petition for a hearing before the deadline established under § 140.4(b)(4).

(6) If the employee files his or her petition for a hearing within 5 days after the deadline date established under § 140.4(b)(4), and SBA's Chief Administrative Law Judge finds that the employee has shown good cause for the failure to comply with the established deadline date, such hearing official *may* find that the employee has not waived his or her right to a hearing.

(c) Refunds. Amounts paid or deducted pursuant to this section by an employee for a debt which is waived or otherwise found not owing to the United States shall be promptly refunded to the employee.

§ 140.5 Administrative offset.

(a) SBA may, after attempting to collect a claim from a person under normal SBA collection procedures, collect the claim by means of administrative offset. However, no claim that has been outstanding for more than ten years may be collected by means of administrative offset.

(b) Prior to collecting any claim through administrative offset, SBA shall provide the debtor with—

(1) Written notification, of at least 30 days, concerning the nature and amount of the claim, the intention of SBA to collect the claim through administrative offset, and an explanation of the rights of the debtor under paragraph (b) of this section;

(2) An opportunity to inspect and copy SBA's records with respect to the claim;

(3) An opportunity to enter into a written agreement with SBA to establish a schedule for the repayment of the debt; and

(4) An opportunity for the review, by SBA's Office of Hearings and Appeals in accordance with the provisions of Part 134 of these regulations, of SBA's determination of the existence of the claim. The administrative judge will issue a written final decision at the earliest practicable date, but not later than 60 days after the timely filing of the petition requesting the review.

(c) The right to review is waived by a debtor, subject to paragraph (d) of this section, if the debtor fails to file a written petition on or before the 15th day following receipt of the notice described in paragraph (b) of this section.

(d) If the debtor files a petition for review within 5 days after the established deadline date, and the administrative judge finds that the debtor has shown good cause for the failure to comply with the deadline date, such reviewing official *may* find that the debtor has not waived the right to a review.

(e) The provisions of this section do not apply in any case in which a statute either explicitly provides for or prohibits the collection through administrative offset of the claim or type of claim involved.

Dated: June 14, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-17123 Filed 6-29-84; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Costs and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Clothes Washers

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the Federal Register if the upper or lower limits of the range change by 15 percent or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy costs for clothes washers have not changed by as much as 15 percent since the last publication. Therefore, the ranges published on May 1, 1983[1] remain in effect until new ranges are published.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-376-8934, or Lucerne D. Winfrey, 202-376-8934, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)[2] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule[3] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1930. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1930. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published[4] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.8(b) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.[5] If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for clothes washers have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more since the last publication of the ranges on May 25, 1983.[6]

In consideration of the foregoing, the present ranges for clothes washers will remain in effect for the next year.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Emily H. Rock,

Secretary

[FR Doc. 84-17482 Filed 6-29-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 84-126]

Customs Regulations Amendment Relating to the Customs Field Organization—Gramercy, Louisiana

AGENCY: Customs Service, Department of the Treasury.

ACTION: Delay of Effective Date.

[1] 48 FR 23383.

[2] Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).

[3] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[4] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[5] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

[6] 48 FR 23383.

SUMMARY: This document delays indefinitely the effective date of the extension of the Customs port of entry limits of Gramercy, Louisiana. The change to the Gramercy, Louisiana, port limits was part of a document which restated the geographical limits of all of the ports in the New Orleans, Louisiana, Customs district, which was published in the Federal Register on May 31, 1984 (49 FR 22629; FR Doc. 84-14513). It has now been determined that the change may have unexpected adverse implications on some concerns in the Gramercy, Louisiana, area. Therefore, we are giving the public an opportunity to submit written comments on the proposed extension of port limits of Gramercy before making a final determination as to whether it should be made. The other changes in the New Orleans district described in T.D. 84-126 take effect as originally scheduled, on July 2, 1984.

The proposal to extend the port limits of Gramercy are described in another document published in the proposed rules section of this issue of the Federal Register.

EFFECTIVE DATE: June 28, 1984.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8157).

The amendment to the list of Customs regions, districts, and ports of entry in section 101.3(b), Customs Regulations (19 CFR 101.3(b)), published in the Federal Register on May 31, 1984 (49 FR 22629; FR Doc. 84-14513), relating to Gramercy, Louisiana, is delayed indefinitely. The port limits of Gramercy will remain as established by T.D. 82-93, published in the Federal Register on May 17 1982 (47 FR 21039).

Dated: June 28, 1984.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 84-17654 Filed 6-29-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 12-84]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On January 26, 1984 (49 FR 3208) the Department of Justice issued proposed regulations to amend Title 28 of the Code of Federal Regulations, Part 16 to exempt four new records systems from certain provisions of the Privacy Act, 5 U.S.C. 552a: The Office of Intelligence Policy and Review, Policy and Operational Records System (JUSTICE/OIPR-001); the Office of Intelligence Policy and Review, Foreign Intelligence Surveillance Act Records System (JUSTICE/OIPR-002); the Office of Intelligence Policy and Review, Litigation Records System (JUSTICE/OIPR-003); and the Office of Intelligence Policy and Review, Domestic Security/Terrorism Records System (JUSTICE/OIPR-004). These records systems must be exempted from sections of the Privacy Act since, in most cases, disclosure of the existence of records pertaining to an individual could compromise ongoing investigations by revealing the fact of an investigation, as well as jeopardizing sources and methods of investigation. In addition, access to individual records could result in the disclosure of sensitive criminal investigative, foreign intelligence or classified information. Further, it is necessary to exempt these systems to ensure unhampered and effective collection and analysis of foreign intelligence and counterintelligence information and to protect the identities of confidential sources.

DATE: This rule will be effective July 2, 1984.

ADDRESS: Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Vincent A. Lobisco, (202-633-4414).

SUPPLEMENTARY INFORMATION: The notice of the proposed rule with invitation to comment was published in the Federal Register on January 26, 1984 (49 FR 3208). The public was given 30 days to comment; however, no comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, the proposed regulations published in the Federal Register on January 26, 1984 (49 FR 3208) are adopted without change as set forth below.

Dated: May 24, 1984.

Kevin D. Rooney,

Assistant Attorney General for Administration.

PART 16—[AMENDED]

28 CFR Part 16 is amended by adding § 16.73 to read as follows:

§ 16.73 Exemption of Office of Intelligence Policy and Review Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g):

(1) Policy and Operational Records System (JUSTICE/OIPR-001);

(2) Foreign Intelligence Surveillance Act Records System (JUSTICE/OIPR-002);

(3) Litigation Records System (JUSTICE/OIPR-003); and

(4) Domestic Security/Terrorism Investigations Records System (JUSTICE/OIPR-004).

These exemptions apply only to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because release of the disclosure accounting would put the target of a surveillance or investigation on notice of the investigation or surveillance and would thereby seriously hinder authorized United States intelligence activities.

(2) From subsections (c)(4), (d), (e)(4)(G), (e)(4)(H), (f) and (g) because these provisions contemplate individual access to records and such access would compromise ongoing surveillances or investigations and reveal the sources and methods of an investigation.

(3) From subsection (e)(2) because, although this office does not conduct investigations, the collection efforts of agencies that supply information to this office would be thwarted if the agency were required to collect information with the subject's knowledge.

(4) From subsections (e)(3) and (e)(8) because disclosure and notice would provide the subject with substantial information which could impede or compromise an investigation. For example, an investigatory subject could, once made aware that an investigation was ongoing, alter his manner of

engaging in intelligence or terrorist activities in order to avoid detection.

[FR Doc. 84-17502 Filed 6-29-84; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 500 and 515

Foreign Assets Control Regulations and Cuban Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is making a number of technical and conforming amendments to the Foreign and Cuban Assets Control Regulations. None of the amendments changes the effect of any regulation. Section 500.557 is being amended by removing outdated references to Chinese nationals and assets. Section 500.701 is being amended to reflect the increase in the maximum penalty for violating the Trading With the Enemy Act, as amended by Pub. L. 95-223 (1977).

Section 515.414 is being deleted because § 515.541, to which it refers, no longer exists. Section 515.519 is being amended to correct a grammatical error. Section 515.524 is being amended to correct a typographical error. Section 515.544 is being amended to make clear that either of the two conditions listed in part (b) is sufficient to permit importation of a gift from Cuba. Section 515.551 is being amended to correct a typographical error. The Panama Canal Zone is being removed from the definition of "United States" in § 515.321 to reflect the change in the status of the Canal Zone under the Panama Canal Treaty. Section 515.545(a)(2) is being amended to bring it into conformity with the provisions of § 515.560(e), which, since May 15, 1982, has authorized the acquisition of publications by persons visiting Cuba. Section 515.548 is being amended to delete an unnecessary requirement that payment for services rendered by Cuba to U.S. aircraft be made through the State Department. Section 515.701 is being amended to reflect the increase in the maximum penalty for violating the Trading With the Enemy Act as amended by Pub. L. 95-223 (1977). Section 515.802 is being amended by assigning letters to identify the two paragraphs of that section.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, 202/376-0236.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply. Because the amendments are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17 1981, dealing with Federal Regulations. This regulation is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects

31 CFR Part 500

Communist countries, North Korea, Vietnam, Kampuchea (Cambodia), Foreign Assets Control Regulations.

31 CFR Part 515

Communist countries, Cuba, Cuban Assets Control Regulations.

PART 500—[AMENDED]

31 CFR Part 500 is amended as follows:

1. Section 500.557(b) is revised to read as follows:

§ 500.557 Proceeds of Insurance Policies.

* * *

(b) Where a blocked life insurance policy of a North Korean, Vietnamese or Cambodian (Kampuchean) national who died in any one of those countries after the applicable effective date provides for payment to the estate of the insured, licenses are not issued for payment, except to a blocked account in a domestic bank in the name of the deceased insured.

* * *

§ 500.701 [Amended]

2. Section 500.701(a) is amended by substituting "$50,000" for "$10,000."

PART 515—[AMENDED]

31 CFR Part 515 is amended as follows:

§ 515.414 [Removed]

1. Section 515.414 is removed.

§ 515.519 [Amended]

2. Section 515.519(a) is amended by changing "is" in that section to read "are," as follows: * * * of any citizens of the United States who are within any foreign country are hereby authorized

* *

3. Section 515.321 is revised to read as follows:

§ 515.321 United States; Continental United States.

The term "United States" means the United States and all areas under the jurisdiction or authority thereof, including the Trust Territory of the Pacific Islands. The term "continental United States" means the States of the United States and the District of Columbia.

4. Paragraph (a) of § 515.524 is amended by changing the word "state" the last time it appears in that paragraph to read "estate," as follows:

§ 515.524 [Amended]

(a) * * * acting as trustee of any trust administered in the United States or as legal representative of any estate of an infant or incompetent administered in the United States in which trust or estate one or more persons who are nationals of a designated foreign country have an interest, beneficial or otherwise * *

* * *

§ 515.544 [Amended]

5. Section 515.544(b)(1) is amended by changing the word "and" immediately preceding "(2)" to read "or."

6. Section 515. 545(a)(2) is revised to read as follows:

§ 515.545 [Amended]

* * *

(a) * *

(2) Persons authorized to travel to Cuba under these regulations for the purpose of gathering news, making news or documentary films, engaging in professional research, or for similar activities are authorized to acquire and import into the United States, as accompanied baggage or otherwise, such publications, as defined in Section 515.560(c)(3), as are directly related to their professional activities, without limitation as to their value. Such merchandise may be acquired and imported only for their own professional use or that of their employers at the time of the travel and shall not be sold to other persons.

* * *

§ 515.548 [Amended]

7 Section 515.548 is amended by removing the words "*Provided,* That payment is made to Cuba through the Department of State and not through a

commercial bank," and by inserting a period after the word "aircraft."

§ 515.551 [Amended]

8. Section 515.551(a)(3) is amended by changing the reference therein to paragraph "(c)(2)" to read "(a)(2)."

§ 515.701 [Amended]

9. Section 515.701(a) is amended by substituting "$50,000" for "$10,000."

§ 515.802 [Amended]

10. Section 515.802 is amended by inserting the letter "(a)" before the first paragraph and inserting the letter "(b)" before the second paragraph.

Authority: Sec. 5, 40 Stat. 415, as amended, 50 U.S.C. App. 5(b); 75 Stat. 445, 22 U.S.C. 2370(a); Proc. 3447, 27 FR 1065, 3 CFR, 1959–1963 Comp., E.O. 9193, 7 FR 5205, 3 CFR, Cum. Supp., 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., 748.

Dated: June 25, 1984.

Dennis M. O'Connell,

Director, Office of Foreign Assets Control.

Approved: June 26, 1984.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 84-17549 Filed 6-29-84; 8:45 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 439

[WH-FRL-2619-4]

Pharmaceutical Manufacturing, Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: EPA promulgated final rules for effluent limitations and standards for the pharmaceutical manufacturing point source category on October 27 1983 (48 FR 49808; 40 CFR Part 439). In that notice, the Agency announced that a notice would be published concerning the availability of the technical and economic documents supporting the final regulations on or before December 27 1983 from the National Technical Information Service (NTIS). Copies of both these documents have been available from the technical and economic project officers since October 27 1983. However, due to a large initial demand for these documents, the Agency could not make copies available through NTIS by the announced date. The Agency apologizes for these delay in making these documents available through NTIS. This notice announces the availability from NTIS of the technical and economic development documents which present the findings of the technical and economic studies supporting the final regulations.

ADDRESS: Copies of the technical and economic development documents may be obtained by contacting the National Technical Information Service (NTIS) 5285 Port Royal Road, Springfield, VA 22161; (703) 487–4600. Refer to accession number PB 84–180036 for the technical document and accession number PB 84–140706 for the economic document. The cost of the technical document is $22.00 for a paper copy or $4.50 for a microfiche copy. The cost of the economic document is $13.00 for a paper copy or $4.50 for a microfiche copy.

FOR FURTHER INFORMATION CONTACT: Frank H. Hund at (202) 382–7182.

Dated: June 22, 1984.

Henry L. Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 84-17424 Filed 6-29-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Part 96

Low Income Home Energy Assistance; Reallotment Report; Adjustment of Annual Median Income for Household Size

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: The Social Security Administration is publishing final regulations applicable to the Low Income Home Energy Assistance Program.

The amendment to § 96.81 changes one word of the section on reallotment reports such that it addresses obligations rather than expenditures. The inclusion of the term "expenditures" in the language of the initial regulation was erroneous. This change brings this passage into agreement with the policy set out in the preamble to 45 CFR Part 96 and eliminates confusion that might occur regarding the funds that can be carried over from one fiscal year to the next.

Section 96.85 has been added to provide a method for adjusting State median income to account for household size. Provisions in the Omnibus Budget Reconciliation Act of 1981 (OBRA) require the Secretary to promulgate the median income levels for the Low Income Home Energy Assistance Program and to provide for a method of adjustment for household size. When Title XX of the Social Security Act was amended in OBRA, applicable regulations pertaining to this adjustment (45 CFR 1328.60) were repealed October 1, 1981. This regulation reinstates the adjustment method.

EFFECTIVE DATE: November 16, 1983.

FOR FURTHER INFORMATION CONTACT: Laurence Love, (202) 245–2000.

SUPPLEMENTARY INFORMATION: On November 16, 1983, we published these final regulations as interim final rules in the Federal Register (48 FR 52059) with a 60-day comment period. We received only one comment which is discussed later in the preamble.

Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) Section 2607, provides for a process of reallotment of funds by the Secretary.

To determine the amount available for reallotment, § 96.81 of the regulation erroneously states that States shall report to the Secretary on the amount of funds "* * * the State desires to remain available *for expenditure* in the succeeding fiscal year * * *" (emphasis added).

As we stated in the preamble to our final rules of July 6, 1982 (47 FR 29476), "The low-income home energy assistance block grant allows up to 25 percent of the funds to be held available for the following fiscal year, which we believe establishes a two-year limit on the permissible period of obligation." Consistent with our policy of providing States with maximum flexibility under the statute, the intent of the original rule was to address funds remaining available for obligation, not expenditure.

This change does not represent a new rule, but a technical correction to make § 96.81 consistent with the policy expressed in the preamble to the block grant final rules.

Regulations regarding the promulgation of the median income for each State and the District of Columbia, and regulations for adjusting the median income to account for family size, were removed from 45 CFR 1396 when the interim final block grant regulations were published on October 1, 1981 (46 FR 48593). This action followed the removal of the State median income as an income eligibility requirement when Title XX of the Social Security Act was amended by the Omnibus Budget Reconciliation Act of 1981.

Title XXVI of Pub. L. 97–35, section 2605(b)(2)(B)(ii), establishes 60 percent

of the median income for States as one measure of maximum income for eligibility for the Low Income Home Energy Assistance Program. State median income is defined as that promulgated by the Secretary, according to procedures established in section 2002(a)(6) of the Social Security Act as they were in effect on the day before the date of the enactment of Pub. L. 97-35, adjusted in accordance with regulations prescribed by the Secretary to take into account the number of individuals in the household.

The factors in this rule, 45 CFR 96.85, for adjusting median income according to household size are the same ones which were contained in 45 CFR 1396.60. The reference in Section 2603(7) of Pub. L. 97-35 to procedures in effect on the day before Pub. L. 97-35 was enacted was taken as an indication of intent that all aspects of the promulgation of State median income should be as they were on the day before Pub. L. 97-35 was enacted.

As we previously noted, we received only one comment from a State LIHEAP grantee. The commentor stated that the State agreed with both changes made to the regulations.

Accordingly, the regulations are adopted without change as set forth below:

Regulatory Procedures

Executive Order 12291—These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act—These proposed regulations involve no reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—We certify that these regulations do not have a significant economic impact on a substantial number of small entities, therefore, a regulatory flexibility analysis, as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980 is not required.

List of Subjects in 45 CFR Part 96

Administrative practice and procedure, Energy, Grant program—energy, Grant programs—social programs, Low and moderate income housing.

Authority: These regulations are issued under the authority of section 2603, 2605 and 2607 of Pub. L. 97-35; 95 Stat. 894, 896 and 900; 42 U.S.C. 8622, 8624 and 8626.

(Catalog of Federal Domestic Assistance Program No. 13.818, Low Income Home Energy Assistance)

Dated: May 3, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: June 13, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 96—[AMENDED]

Part 96, Subtitle A of Title 45 of the Code of Federal Regulations is amended as follows:

Section 96.81 is amended by revising paragraph (a) to read as follows:

§ 96.81 Reallotment report.

(a) The amount of the State's original allotment that the State desires to remain available for obligation in the succeeding fiscal year, not to exceed 25 percent of the original allotment; and

3. A new § 96.85 is added as follows:

§ 96.85 Adjustment of annual median income for household size.

In order to adjust the median income for each State published annually by the Secretary, the State median income for a four person household shall be adjusted for the number of individuals in the household by the following percentages:

(a) One person—52 percent;

(b) Two person household—68 percent;

(c) Three person household—84 percent;

(d) Four person household—100 percent;

(e) Five person household—116 percent;

(f) Six person household—132 percent; and

(g) For each additional household member above six persons, add three percentage points to the percentage for a six person household.

[FR Doc. 84-17437 Filed 6-29-84; 8:45 am]

BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[Docket No. 21323; RM-2836]

Use of Subcarrier Frequencies in the Aural Baseband of Television Transmitters; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission herein editorially corrects the Preamble and Appendix to the *Second Report and Order* previously issued in this proceeding relating to the use of subcarrier frequencies in the aural baseband of television transmitters. The action is necessary because we have identified various rule sections that were incorrectly amended or added in the Appendix. Additionally, the effective date and the 47 CFR subject shown in the preamble were incorrect. The effect of this action is to ensure that all Parts 2 and 73 rules reflect the policies adopted earlier in this proceeding.

FOR FURTHER INFORMATION CONTACT: Ralph A. Haller, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Erratum

In the matter of the use of subcarrier frequencies in the aural baseband of television transmitters, Docket No. 21323; RM-2836.

Released: June 26, 1984.

1. The Second Report and Order in the above entitled matter, adopted March 29, 1984, and released April 23, 1984, 49 FR 18100, published April 27 1984, contained several inadvertent mistakes or omissions. These errors are corrected as indicated in the attached Appendix.

2. Further information on this matter may be obtained from Ralph A. Haller, Mass Media Bureau, Technical and International Branch (202) 632-9660.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

I. The following corrections are made to the Second Report and Order, published in the Federal Register on April 27 1984:

1. On page 18100, the effective date shown in the preamble is corrected to read as follows:

DATE: Effective March 29, 1984.

2. On page 18100, the List of Subjects shown in the preamble is corrected to read as follows:

List of Subjects

47 CFR Part 2

Communications equipment.

47 CFR Part 73

Television.

3. On page 18105, the Table of Frequency Allocations is corrected in note "NG128" to read as follows:

* * * *

NG128 In the band 535-1605 kHz, AM broadcast licensees or permittees may use their AM carrier on a secondary basis to trasmit signals intended for utility load

management. In the band 88–108 MHz, FM broadcast licensees or permittees are permitted to use subcarriers on a secondary basis to transmit signals for both broadcast and non-broadcast purposes. In the bands 54–72, 76–88, 174–216 and 470–890 MHz, TV broadcast licensees or permittees are permitted to use subcarriers on a secondary basis for both broadcast and non-broadcast purposes.

* * * * *

4. On page 18105, § 2.977 (c)(3) and (c)(4) are corrected to read as follows:

§ 2.977 Changes in notified equipment.

* * * * *

(c) * * *

(3) The addition of TV broadcast subcarrier generators to a notified TV broadcast transmitter or the addition of FM broadcast subcarrier generators to a notified FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(4) The addition of TV broadcast stereophonic generators to a notified TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a notified FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

5. On page 18105, § 2.1001 (i) and (j) are corrected to read as follows:

§ 2.1001 Changes in type accepted equipment.

* * * * *

(i) The addition of TV broadcast subcarrier generators to a type accepted TV broadcast transmitter or the addition of FM broadcast subcarrier generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(j) The addition of TV broadcast stereophonic generators to a type accepted TV broadcast transmitter or the addition of FM broadcast stereophonic generators to a type accepted FM broadcast transmitter, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

* * * * *

6. On page 18105, § 73.667(a) is corrected to read as follows:

§ 73.667 TV subsidiary communications services.

(a) Subsidiary communications services are those transmitted within the TV aural baseband signal, but do not include services which enhance the main program broadcast service or exclusively relate to station operations (see §§ 73.665(a), (b), and (c)). Subsidiary communications include, but are not limited to, services such as functional music, specialized foreign

* * * * *

7 On page 18105, § 73.681 is corrected in the definition of "Multichannel Television Sound (MTS)" to read as follows:

§ 73.681 Definitions.

* * * * *

Multichannel Television Sound (MTS). Any system of aural transmission that utilizes aural baseband operation between 15 kHz and 120 kHz to convey information or that encodes digital information in the video portion of the television that is intended to be decoded as audio information.

* * * * *

8. On page 18106, § 73.682(c)(8) is corrected to read as follows:

§ 73.682 TV transmission standards.

* * * * *

(c) * * *

(8) The arithmetic sum of non-multiphonic baseband signals between 15 kHz and 120 kHz must not exceed ±50 kHz deviation of the aural carrier.

* * * * *

9. On page 18107, § 73.1570(b)(3)(i) is corrected to read as follows:

§ 73.1570 Modulation levels; AM, FM, and TV aural.

* * * * *

(b) * * *

* * * * *

(3) * * *

(i) Stations transmitting aural multiplex subcarriers for authorized services (see § 73.665) may increase the modulation deviation to the limits specified in § 73.682(c).

* * * * *

10. On page 18107, the alphabetical index of Part 73 is corrected only under the subtopic "Multiplex subsidiary, Use of" to read as follows: Under "Multiplex subsidiary, Use of" TV—73.667

[FR Doc. 84-17405 Filed 6-29-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 74

[General Docket No. 80-112; FCC 84-177]

Reconsideration and Clarification of Commission's Order Allocating Spectrum for, and Establishing Rules Governing, Multichannel Multipoint Distribution Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; Memorandum Opinion and Order on Reconsideration.

SUMMARY: Petitions to Reconsider the Commission's original Order allocating spectrum for, and establishing rules governing, the Multichannel Multipoint Distribution Service (MMDS) were filed by the Public Broadcast Service, by Western Communications Research Institute, Inc., and by Harry J. Pappas. These petitions are denied in their entirety. In addition, the Commission clarifies the extent to which grandfathered Instructional Television Fixed Service (ITFS) licensees may expand their grandfathered services. Finally, the Commission clarifies the meaning of the requirement that any ITFS licensee, in order to lease excess channel capacity for non-ITFS purposes such as MMDS, must use the channel substantially for ITFS purposes. The requirement is interpreted to mean that any such lessor must provide at least six hours of ITFS programming between 8:00 a.m. and 8:00 p.m., Monday through Friday, except holidays and vacation periods. This action is being taken to preserve the integrity of the total reallocation scheme adopted in the original order.

EFFECTIVE DATE: The effective date of this Order is August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Stephen G. Thompson, Domestic Facilities Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 634–1854.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 74

Education, Television.

Memorandum Opinion and Order on Reconsideration

In the matter of amendment of Parts 2, 21, 74, and 94 of the Commission's rules and regulations in regard to frequency allocation to the Instructional Television Fixed Service, the Multipoint Distribution Service, and the Private Operational Fixed Microwave Service;

Inquiry into the development of regulatory policy with regard to future service offerings and expected growth in the Multipoint

Distribution Service and Private Operational Fixed Microwave Service, and into the development of provisions of the Commission's rules and regulations in regard to the compatibility of the operation of satellite services with other services authorized to operate in the 2500–2690 MHz band;

Amendment of Parts 1 and 21 of the Commission's rules and regulations in regard to using random selection procedures to select permittees in the Multipoint Distribution Service (General Docket No. 80–112).

Adopted: April 26, 1984.
Released: June 5, 1984.

By the Commission: Commissioner Rivera concurring in part and dissenting in part and issuing a statement.

1. On July 15, 1983, we released the *Report & Order* in General Docket No. 80–112, *Multipoint Distribution Service*, 94 F.C.C. 2d 1203 (1983) (hereinafter *Report & Order*). In that order we reallocated eight channels from the Instructional Television fixed Service (ITFS) to the Multipoint Distribution Service (MDS), and permitted ITFS licensees to lease excess capacity on their facilities. Applications for the reallocated channels were to be filed on September 9, 1983.[1]

2. Petitions for reconsideration of that *Report & Order* have been filed by The Public Broadcasting Service (PBS), by Western Communications Research Institute, Inc. (Western), and by Harry J. Pappas.[2] The petitions of PBS and Western are opposed by: Satellite Signals of New England, Inc., Joseph S. Gans; Fay Grim, dba Mississippi Valley Microwave; Southern Satellite Systems, Inc; Jewell B. Callahan; Northwest Communications, Inc., Calcasieu TV & Radio, Inc., Central Nebraska Broadcasting Co., Inc., Ronette Communications Co., National Television Company; Dorothy Davis; Delta-Band Services, Ltd., and People's Broadcasting Co. The petition of Pappas is opposed by the law firm of Pepper & Corazzini. Both PBS and Microband Corporation of America (Microband) filed replies to the oppositions.[3] As the three petitioners raise unrelated issues, we will discuss each petition in turn. We also take this opportunity to clarify and interpret portions of our *Report & Order*.

Petition of PBS

3. In its petition for reconsideration PBS presents a number of alternative positions. It asks us to reconsider our decision to reallocate any channels to MDS. Assuming that channels are to be reallocated, it recommends that we reallocate the G group of channels rather than the E and F groups. PBS further suggests that we adopt additional provisions to protect future ITFS interests. It recommends that ITFS applicants be permitted to apply for the reallocated channels, and that ITFS licensees be allowed to assign licenses in the E and F channels. Finally, PBS recommends that all first-round MDS applicants for the reallocated channels be required to file an interference analysis.

Reallocation Theory

4. PBS first contends that the findings in the *Report & Order* do not support the reallocation of the E and F channels. It states that adequate spectrum must be reserved for future ITFS needs and that our findings did not show a demand for multichannel MDS but merely a demand for premium entertainment services, which could be supplied by any number of technologies.

5. We reject PBS' argument. In our *Report & Order*, we reviewed existing and projected ITFS spectrum needs. We found that while there will be some future growth, that growth would not be sufficient to result in full utilization of all 28 channels then allocated to ITFS. *Report & Order*, 94 F.C.C. 2d at 1224–25.

6. We also reviewed potential MDS expansion. We found that there would be rapid acceleration in MDS growth if additional channels were made available, and if the restrictions on multiple channel use were removed. *Id.* at 1220–24. We further reviewed alternative technologies, such as subscription television, direct broadcast satellites, and low-power television; we concluded that even taking the future development of these into account, multichannel MDS would expand consumer options and thus be in the public interest. *Id.* at 1226.

7. We have held on numerous occasions that the public interest is best served by diverse media sources.[4] We conclude that the findings contained in our *Report & Order* support our determination that reallocation promotes diverse media sources and thus is in the public interest. To the extent that PBS's position merely reiterates positions taken and considered in our *Report & Order*, it must be denied.[5]

Reallocated Channels

8. Assuming that reallocation is justified in theory, PBS contends that we should nevertheless reconsider our selection of the channel groups now allocated to MDS. PBS proposes reallocation of the four channels in the G group rather than the eight channels in the E and F groups.

9. In our *Report & Order*, we found that authorizing multichannel MDS systems would most adequately meet projected consumer demand. 94 F.C.C.2d at 1243. After weighing both the future needs of ITFS and the public interest benefits from increased competition among MDS carriers, we concluded that the optimum reallocation scheme would consist of two groups of four channels each. *Id.* at 1244–45. Given that a total of eight channels were to be reallocated, we selected the E–F pair after considering: (a) the proposed NASA feeder link operation (which ruled out the A–B pair and the G group); and (b) the need for the widest contiguous band available for ITFS (which eliminated consideration of the C–D group). *Id.* at 1246.

10. PBS's proposal that only the G channel group be reallocated must be denied. This proposal is merely a reiteration of the position which we carefully considered in the rulemaking proceeding. In particular, our decision to allocate two groups of four channels forecloses allocation of only the G group, as we decided to reallocate two interleaved groups.[6] This restricted our

---

[1] When the Report & Order was published in the Federal Register the filing date was incorrectly given as September 8, 1983. This error was subsequently corrected by publication one week later on August 1, 1983. 48 FR 34746 (1983). To prevent any potential prejudice, we accepted applications received between September 2 and September 9, 1983. Multichannel MDS Applications, Public Notice, Mimeo No. 5754 (Informal Press Release, August 4, 1983).

[2] The Pappas petition seeks an extension of the filing date for applications from 45 to 90 days after the publication of the Report and Order. This request will be denied because: (1) Although the order was published in the Federal Register on July 25, public notice of the decision was made by the Commission on May 26, which enabled interested persons to begin preparing applications; (2) nearly 1,000 applicants filed nearly 17,000 applications in a timely manner (these applicants included Stella A. Pappas, petitioner's wife, who timely filed applications for approximately 105 Metropolitan Statistical Areas); and (3) this request should have been raised in a motion for extension of time pursuant to Rule 1.46, 47 CFR § 1.46

[3] The pleading of Microband, while captioned "Reply", is in substance an opposition to the original PBS Petition for Reconsideration. We will consider it in the nature of an informal comment. *Cf.* Westinghouse Broadcasting Co., 84 F.C.C. 2d 938, 939 n.2 (1981)(Comments not timely filed are considered informal comments); Staunton Video Corp., 47 F.C.C. 2d 85 (1974) (pleading not contemplated by our rules is treated as informal comment).

[4] *See* Use of Private Microwave Services, 89 F.C.C. 2d 293, 303 (1981).

[5] Cable Television Over-Regulation, 57 F.C.C. 2d 811 (1976).

[6] The G group is interleaved with the H group, the latter being allocated to Private Operational Fixed Microwave Service (OFS). Any scheme which reallocates the G group along with any other ITFS group would require reallocating non-interleaved groups. This would increase the number of non-MDS adjacent channels from two to eight or ten, and would not represent an optimal reallocation scheme.

choice to either the A–B, C–D, or E–F groups. We chose the E–F group to maximize the contiguous bandwidth available for ITFS. 94 F.C.C. 2d at 1246.

Protection of Future ITFS Interests

11. Assuming that the E and F channels are reallocated, PBS contends that we should reconsider our decision to bar future ITFS applications for those channels. PBS also recommends that we reconsider our decision forbidding ITFS licensees on the E and F channels from assigning their licenses. Finally, PBS recommends that we rescind our decision to waive for the first group of applicants the interference analysis required by Rule 21.902(c)(1), 47 CFR 21.902(c)(1). We deal with each argument in turn.

12. In the *Report & Order*, we amended Rule 74.902(c), 47 CFR 74.902(c) to reflect the reallocation of the E and F channels; in so doing we specified that no new ITFS applications for these reallocated channels would be accepted after May 26, 1983. Grandfathered ITFS stations operating on the E and F channels will only be protected to the extent of their service that is either in the operation or the application stage as of May 26, 1983. These licensees or applicants will not generally be permitted to change transmitter location or antenna height, or to change transmission power.[7] In addition, any new receive stations added after May 26, 1983 will not be protected against interference from MDS transmissions.[8] In this fashion, all facets of grandfathered ITFS operations were frozen as of May 26, 1983. No new ITFS applications will be accepted for these channels, including applications to add channels from the E or F groups by ITFS licensees or permittees with grandfathered rights to one or more of these channels. We noted that this prohibition is necessary to reserve the reallocated channels for MDS use, as well as to avoid having "mutually exclusive, fundamentally different applicants for the same channel." *Id.* at 1241.

13. PBS argues that this prohibition is unjustified, and cites two examples to support its position: (a) If any reallocated channels remain unclaimed by MDS applicants after the initial deadline, this will mean that MDS will probably not develop at all in that area, and ITFS should be permitted to use the vacant channels; (b) in some communities, existing grandfathered ITFS operations may preclude a viable MDS system but not a new limited ITFS system (such as studio-to-transmitter or other point-to-point ITFS link). It should be noted that these situations would not justify reconsideration unless one other condition were also present, namely insufficient spectrum remaining in the unreallocated ITFS bands. The number of instances in which these conditions will occur is speculative at best. If relatively rare, they can be handled individually by such methods as reuse of existing ITFS channels. *Cf. Report & Order*, 94 F.C.C. 2d at 1241, n.28. Should we find in the future that these occurrences are relatively more common, we can resolve any problems by further rulemaking to adjust spectrum allocation. *Id.* at 1226.

14. We also reaffirm our decision prohibiting all but *pro forma* assignment of grandfathered ITFS licenses. This would include all ITFS licenses for E and F channels which either have been granted or were in the application stage as of May 26, 1983.[9] Such a prohibition is consistent with the purpose of a grandfather provision, which is to protect specific interests of the public and of operating stations. For the public, grandfathering provisions protect against disruptions in existing services.[10] For the operating station, grandfathering guards against economic dislocation and protects the reliance interest of the station in the spectrum as allocated.[11] Neither such interest would be furthered by PBS's recommendation. Future assignees are not yet in operation, and so no existing service would be disrupted by the prohibition. In addition, a potential assignee would have no reliance interest to be protected; such an assignee would be preparing to operate in a market with full knowledge that MDS licensees could also be operating in the same channel group in that market. Accordingly, we deny PBS's request to reconsider our prohibition on the assignment of grandfathered ITFS licenses and applications.

15. Finally, we reaffirm our decision to waive the interference analysis for the first group of multichannel MDS applicants. *See Report & Order*, 94 F.C.C.2d at 1265. Successful applicants will have to file an interference analysis after they have been granted a construction permit. We found that this procedure would conserve resources for unsuccessful applicants, for ITFS licensees, and for the Commission. *Id.* at 1238. PBS contends that by deferring all interference analysis to the post-grant stage, we have created a "land rush" climate which places an unjustified burden on ITFS operators to review large numbers of MDS applications. In fact, however, our procedure reduces the burden on ITFS operators; regardless of however many applications are filed, the ITFS licensees will only have to review the successful ones. Applicants for the reallocated spectrum will have the burden, as part of the application process, to locate any existing ITFS operators and contact them to resolve any frequency conflicts. For the foregoing reasons, we feel that the present application procedure is actually ore favorable toward ITFS interests than that suggested by PBS.

16. We feel that the procedure established in our *Report & Order* provides adequate protection for ITFS licensees. Successful Multichannel MDS applicants are required to make "exceptional efforts" to avoid blocking cochannel use in nearby cities and adjacent channel use in the same city. 47 CFR 21.902(a). These permittees must attempt to obtain the written consent of all ITFS licensees and applicants within a 50 mile radius.[12] With regard to

[7] Of course, one of our goals in the *Report & Order* is the efficient utilization of spectrum. To this end, we will consider any waiver requests, preferably submitted on a joint basis by existing ITFS licensees and MDS permittees in the E and F groups, seeking to show that a modification of a grandfathered ITFS licensee in the E or F group would result in more efficient spectrum utilization.

[8] While these provisions are consistent with the concept of grandfathering outlined in the previous paragraph, we note that there may be instances where the natural evolution of an ITFS may reasonably require the addition of receive stations without changing the nature or the scope of the ITFS operation. For example, a university may open a branch campus at a remote location, or a newly opened business may want to take advantage of training programs available to its established competitors. Situations such as these may justify adding a receive station to an existing ITFS. In such instances where the natural extension of the service would justify adding receive stations to a grandfathered ITFS operating in the E or F channels, the grandfathered licensee can petition the Commission for a waiver of § 74.902(c).

[9] In Public Broadcasting Service, FCC 83-611 (released January 9, 1984), we granted over 80 ITFS construction permits to PBS, including several permits in the E and F bands. PBS had represented in its applications that it would be willing, at a later date, to assign its ITFS permits or licenses to any local member broadcast station licensee that desired to operate an ITFS station. We granted those applications with that understanding. We believe, under the circumstances, that PBS should be exempt from the general prohibition on assignment of permits or licenses for the E and F channels granted in Public Broadcasting Service, *id.*

[10] *See, e.g.*, Service Electric Cable TV, Inc., 32 F.C.C.2d 334, 337 (1971); *accord* Committee for Open Media v. FCC, 533 F.2d 1, 2–4 (D.C. Cir. 1976).

[11] *Cf.* New York State Commission on Cable Television v. FCC, 571 F.2d 95 (2d Cir.), *cert. denied*, 439 U.S. 620 (1978).

[12] In extraordinary cases where the MDS permittee is not able to obtain such written consent after reasonable effort, it may substitute evidence on the issue of harmful interference. *Report & Order*, 94 F.C.C.2d at 1238, n.28. We reiterate, however, that we expect existing and potential ITFS

Continued

procuring this consent, we have stated that we expect both MDS applicants and ITFS licensees to cooperate in assuring that harmful interference problems will be minimized.

17 For these reasons, we feel that the reallocation scheme and the application scheme, as established in our *Report & Order*, represent the appropriate method for reallocating spectrum for multichannel MDS while at the same time safeguarding the interests of existing and future ITFS needs. For this reason, we deny the petition of PBS to reconsider that *Report & Order*.

Petition of Western

18. In its petition for reconsideration, Western seeks to provide additional protection for ITFS channels D4 and G1. These are the two channels that "bookend" the spectrum we reallocated to MDS. Western claims that potential interference from new MDS use in channels E1 and F4 may have the practical effect of "remov[ing] 10 channels rather than eight from ITFS use." [13] Western recommends that ITFS applications for channels D4 and G1 that are filed before the awarding of MDS permits in a local market be given the status of existing users under Rules 21.901(a) and 21.902(d). After MDS permits are awarded, Western recommends that MDS users be required to share tower sites with ITFS facilities, and to shuffle polarizations to accommodate new adjacent ITFS applicants up until the time the MDS stations actually begin transmitting. Finally, Western recommends that ITFS entities be allowed to use higher powered transmitters, where necessary, to equalize effective radiated power (ERP).

19. In our *Report & Order*, we recognized the importance of minimizing interference with ITFS services. An application for the reallocated channels must contain a showing of "how interference with the operation of *adjacent channels* will be avoided and what steps the applicant has taken to comply with subsection 21.902(a) of this section." Rule 21.902(d)(7), 47 CFR 21.902(d)(7) (emphasis added). Subsection 21.902(a) provides that any licensee must "make exceptional efforts to avoid harmful interference to other users *and to avoid blocking potential adjacent channel use* in the same city and cochannel use in nearby cities." 47 CFR 21.902(a) (emphasis added). These "exceptional efforts" would include, where necessary, such measures as a co-location of transmission antenna, equalization of ERP and cross-polarization.[14] We feel that these provisions adequately protect all ITFS users and future applicants, including those in channels D4 and G1, and we decline to adopt any further provisions.

Miscellaneous

20. We take this opportunity to clarify several matters regarding ITFS use of excess capacity. We note that under Rule 74.931(e) as revised by the *Report & Order*, an ITFS operator may lease excess capacity to others for non-ITFS service, or the operator may itself use the excess capacity for non-ITFS transmission. The excess capacity need not be leased to another in order to be used for non-ITFS purposes. However, regardless of whether it is the ITFS operator or a lessee who is using the excess capacity, if that capacity is made available on a common carrier basis it will be subject to common carrier regulation. We feel that this clarification is consistent both with § 74.931(e) as well as with our intentions as expressed in paragraphs 118–129 of the *Report & Order*.

21. It has also come to our attention that the provisions of the *Report & Order* concerning the leasing of excess ITFS channel capacity may be open to some misinterpretation. Although we declined originally to adopt specific standards on the maximum amount of time that could be leased, we did emphasize that "we do expect ITFS licensees to utilize *each* of their ITFS main channels *substantially* for legitimate ITFS use." 94 F.C.C.2d at 1251. (emphasis added). This expectation was codified in § 74.931(e).[15] Our purpose in adding this admonition is obvious. The *Report & Order* struck what we believed to be the appropriate balance between the legitimate present and future needs for spectrum by ITFS interests while providing some additional spectrum for non-ITFS purposes. Abandoning all use restrictions at the onset of the new program could be a de facto reallocation of more than eight channels, and could encourage entities not primarily interested in providing ITFS programming to apply for ITFS channels, fundamentally changing the nature of the service without an opportunity for the Commission to balance the various interests. Moreover, our plan contemplates new MDS licensees of the E and F channels accommodating existing ITFS E and F group licensees. The opportunity to relocate the grandfathered E and F group licensees declines as the remaining ITFS channels are used for non-ITFS purposes.

22. At this time, at least until the new plan is given an opportunity to work, we believe the stated purposes of ITFS must continue to be the paramount concern of any ITFS licensee:

> Instructional television fixed stations are intended *primarily* to provide a means for the transmission of instructional and cultural material in visual form with an associated aural channel to specified receiving locations for the primary purpose of providing a formal educational and cultural development to students enrolled in accredited public and private schools, colleges, and universities.

47 CFR 74.931(a) (emphasis added).[16] The determination of whether the main channel of an ITFS station is being used substantially for ITFS purposes is difficult to make. If the main channel is used for instructional broadcasting only, we conclude that the channel is being used "substantially" for ITFS purposes regardless of the number of hours it operates each day, each week, or each year. We reach this conclusion because our rules do not require ITFS licensees to use their facilities on a regularly scheduled basis. *See* 47 CFR 74.963(a)

23. When an ITFS main channel is used both for ITFS purposes and non-ITFS purposes, the determination could be made simply by interpreting the phrase "significant portion of the main channel capacity" to mean a specific percentage of the total operating time. For example, we could interpret the term to mean that at least 25% of the total available time be devoted to ITFS programming. This approach, although simple, does present certain problems. For example, if the ITFS licensee were a school that was in session from 7:00 a.m. to 3:00 p.m. five days per week, and it used its facility constantly during those hours, it would only be using the channel 40 hours per week or 23% of the total hours available each week. A more relevant consideration may be how many hours per day (or per week or per year) ITFS stations were operated prior to our decision in the *Report & Order* to allow leasing. We have never collected such data; however, many of those who

operators to cooperate with successful MDS applicants in resolving interference issues.

[13] Western Petition at 3.

[14] *See* Multipoint Distribution Service, Notice of Inquiry and Proposed Rulemaking, 45 FR 29350, 29254 (1980).

[15] "The excess capacity of each channel licensed in this service may be used for the transmission of material to be used by others in addition to the material specified in (a), (b), (c) and (d) of this section. Each station licensed in this service must use a significant portion of the main channel capacity of each authorized channel for the transmission of material specified in subsections (a), (b) and (d) of this section " 47 CFR 74.931(e).

[16] *See also* 47 CFR 74.931(b) (in-service, professional, and technical training and development are also legitimate ITFS uses).

commented in this proceeding volunteered such data.[17] While the numbers vary somewhat from system to system, the data presented does show that many ITFS systems operating prior to our *Report & Order* were using at least 12 hours each day for ITFS transmissions.

24. We recognize, however, that our purpose in requiring a "significant portion" of each ITFS channel to be used for the purpose for which it was licensed was to set a *minimum*, and not to describe the typical ITFS operation. Primary and secondary schools are generally in session during the day for approximately six hours of instruction each day, or an average of 30 hours per week. We conclude that any such ITFS licensee transmitting ITFS programming for less than half of that time (i.e., 15 hours per week) would not be using a "significant portion" of that channel's capacity for ITFS purposes. With regard to other educational uses, as well as in-service, professional, and technical training, most such ITFS programming which was not transmitted during the daytime would be transmitted during the evening hours, generally from 6:00 or 7:00 p.m. to 10:00 p.m. Any ITFS licensee serving those needs would also be using each channel for at least three hours per day, or an average of 15 hours per week. Therefore, we conclude that an ITFS licensee should use each channel for at least 15 hours per week from 8:00 a.m. to 10:00 p.m., Monday through Friday during the school year, before it can be considered to be using "a significant portion of the main channel capacity" for ITFS purposes.

25. This approach may also have the beneficial effect of increasing ITFS programming for some licensees. If a licensee were only transmitting, for example, 12 hours of ITFS programming per week, that licensee might want to add an additional three-hour of programming so that it could lease any excess capacity. A potential lessee may be willing to provide some of the cost of producing the additional programming, especially if that would entitle the licensee to lease excess capacity.

26. The Commission intends to review and consider the "significant portion" question and other matters relevant to the use of ITFS excess channel capacity for non-ITFS purposes either in the context of the outstanding rulemaking proceeding in MM Docket 83-523 [18] or in a further rulemaking proceeding. However, we presently believe that a licensee who transmits non-ITFS programming, and who uses less than 15 hours of weekly transmission time between 8:00 a.m. and 10:00 p.m. for ITFS purposes, raises questions as to its primary intention as a licensee. Therefore, until such time as we revisit this matter, we are interpreting the phrase "significant portion of the main channel capacity" in Rule 74.931(e) to mean that no ITFS licensee may lease or use for non-ITFS purposes capacity on any channel unless that channel is being used for ITFS for a minimum of 15 hours per week during the period between 8:00 a.m. and 10:00 p.m. each day, Monday through Friday, excluding holidays and vacation periods. Applicants filing Form 330-P, Application for Authority to Construct or Make Changes in an Instructional TV Fixed Station and for Response Station(s) and Low Power Relay Station(s), should state, as part of their application, the total number of hours per week, and the specific days and hours per day, that each channel will be used for ITFS programming between 8:00 a.m. and 10:00 p.m.

Conclusion

27 For the foregoing reasons, the petitions of PBS, Western, and Pappas to reconsider our *Report & Order* are hereby Denied.

28. It is ordered that Title 47 of the Code of Federal Regulations is amended as described in Appendix A to this Order. This amendment shall become effective 30 days after publication in the Federal Register.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

PART 74—[AMENDED]

Section 74.931(e) of Part 74 of Chapter I, Title 47 of the Code of Federal Regulations is revised to read as follows:

§ 74.931 Purpose and permissable service.

* * * * *

(e) The excess capacity of each channel licensed in this service may be used for the transmission of material to be used by others in addition to material specified in paragrahs (a), (b), (c), and (d) of this section. Each station licensed in this service must use a significant portion of the main channel capacity of each authorized channel for the transmission of material specified in paragraphs (a), (b) and (d) of this section. For purposes of this paragraph, the phrase "significant portion of the main channel capacity" shall be interpreted to require that every licensee who proposes to lease or otherwise use a channel for non-ITFS purposes must use that channel for the purposes set forth in paragraphs (a), (b) and (d) of this section for at least 15 hours each week during the period between 8:00 a.m. and 10:00 p.m., Monday through Friday, excluding holidays and vacation days. All of the capacity available on any subsidiary channel of any authorized channel may be used for the transmission of material to be used by others. When an ITFS licensee makes excess capacity available on a common carrier basis, it will be subject to common carrier regulation. Licensees operating as a common carrier are required to apply for the appropriate authorization and to comply with all policies and rules applicable to the service. Responsibility for making the initial determination of whether a particular activity is common carriage rests with the ITFS licensee. Initial determinations by licensees are subject to Commission examination and may be reviewed at the Commission's discretion. Leasing activity may not cause unacceptable interference to cochannel and adjacent channel operations.

* * *

[17] The Indiana Higher Education Telecommunications System (IHETS) supplied the following description of its operating hours:

A typical program day for the IHETS network begins at 7:00 a.m. and continues until 10:00 p.m. each weekday * * * Scheduling on Saturday and Sunday is currently less extensive. Televised continuing education programming is intended for adult audiences and is presented at times and locations most convenient for the adult student, hence the wide range of program transmission times.

IHETS Comments in Docket No. 80-112/80-113, at 21. Similarly, the Director of the University of California Lawrence Livermore National Laboratory (LLNL), a user of the Stanford University and University of California ITFS Systems, supplied the following information about its use of its ITFS classroom:

The classroom system at LLNL operates daily from 7:00 a.m. to 10:00 p.m. to handle 120 to 150 televised courses each year and serves from 250 to 400 employees as either degree-seeking or audit students.

LLNL Comments in Docket No. 80-112/80-113, at 2. Finally, Dr. Gerald Rosander, County Superintendent of Schools for San Diego County, supplied extensive information about the hours of use of the ITFS channels in San Diego. Several of the channels are used 24 hours per day, seven days per week; others are used from 6:00 a.m. to 12:00 p.m. five days per week and from 8:00 a.m. to 2:00 p.m. on Saturday. The least-used channel is operated from 6:00 a.m. to 9:00 p.m. five days per week, and from 8:00 a.m. to 2:00 p.m. on Saturday. *See* Comments of Dr. Gerald A. Rosander in Docket No. 80-112/80-113, at Appendix D.

[18] 48 FR 29553 (1983). This proceeding proposed amending Part 74 of the Rules regarding ITFS in both technical and non-technical areas.

Statement of Commissioner Henry M. Rivera, Concurring in Part, Dissenting in Part

RE: Reconsideration of *Report and Order* in Docket 80-112

I am pleased that the Commission has adopted a standard to govern leasing of excess capacity by ITFS licensees. While I am concerned that the standard enunciated may not effectively dissuade a *de facto* spectrum reallocation, any standard is a step in the right direction. I hope the Commission stands ready to revisit the issue if the new 15-hour rule proves inadequate to safeguard this spectrum for present and future educational uses.

Turning to another matter, I continue to believe that the regulatory scheme governing MDS is inconsistent with longstanding administrative goals and the Communications Act itself.[1] Therefore, to the extent this decision continues the practice of addressing the diversity-furthering and regulatory classification implications of newly authorized services with a wink and a nod, I must once again dissent.

[FR Doc. 84-17463 Filed 6-29-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 76

[MM Docket No. 83-1292; FCC 84-274]

Filing of Registration Statements for the Addition of Television Broadcast Stations by Cable Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends Part 76, § 76.12 of the Commission's Rules and Regulations to eliminate the requirement for cable television operators to file registration statements, pursuant to § 76.12 of the Rules, if they add a television broadcast station to an operational cable system. The Commission is taking this action because cable operators are also annually required to file FCC Form 325, Schedule 2 to report their complement of television broadcast stations, pursuant to § 76.403 of the Commission's Rules.

EFFECTIVE DATE: August 2, 1984.

FOR FURTHER INFORMATION CONTACT: Angela Green, Cable Television Branch, Video Services Division, Mass Media Bureau, (202) 632-7480.

SUPPLEMENTARY INFORMATION: In its *Notice of Proposed Rule Making in Docket No. 83-1292*, 48 FR 55006 (December 8, 1983), the Commission requested that parties file any comments on or before January 11, 1984, and any reply comments on or before January 26, 1984.

List of Subjects in 47 CFR Part 76

Cable television.

Report and Order (Proceeding Terminated)

In the matter of amendment of Part 76, Subpart B of the Commission's Rules and Regulations with respect to the filing of registration statements for the addition of television broadcast stations by cable systems (§ 76.12), MM Docket No. 83-1292.

Adopted: June 15, 1984.
Released: June 26, 1984.

By the Commission.

1. In its *Notice of Proposed Rule Making in MM Docket No. 83-1292*, 48 FR 55006 (December 8, 1983) (hereafter the "*Notice*"), the Commission proposed elimination of the requirement for cable television system operators to file registration statements, pursuant to Section 76.12 of the Commission's Rules, whenever they add a television broadcast station to an operational cable system. Interested parties were asked to file written comments on or before January 11, 1984, and reply comments were requested on or before January 26, 1984. In response, comments and reply comments supporting deletion of this requirement were filed by the following parties: Pepper & Corazzini; National Cable Television Association, Inc. ("NCTA"); Cable Television Operators ("CTO"); Tele-Communications, Inc. ("TCI"); joint comments by the National Basketball Association, National Hockey League, North American Soccer League, and Major Indoor Soccer League ("Basketball"); Heritage Communications, Inc. ("Heritage"); American Legal Foundation; and Major League Baseball ("Baseball"). The following parties filed comments, and/or reply comments opposing deletion of this requirement: D.S. Kiefer; KUTV Inc., West Virginia Educational Broadcasting Authority ("West Virginia"); KTHI-TV and Morgan Murpy Television Stations ("Morgan").

2. Most of the parties supporting deletion argue that the present filing requirement is an unnecessary waste of both Commission and private resources, since cable system operators are also required to file annual FCC Form 325, Schedule 2, pursuant to § 76.403 of the Commission's Rules, listing their entire complement of television broadcast signals. According to TCI, its staff spends 1,250 hours annually to assure compliance with this requirement alone. Heritage notes that 110 of its 119 systems serve fewer than 10,000 subscribers, and that filing these statements for 220 separate communities is unduly burdensome. NCTA adds that between December 1981 and November 1983, the cable industry filed 6,659 such unnecessary notices.

3. CTO suggests that § 76.12 be deleted entirely, including notification to the Commission when a cable television operator commences service to a new community. CTO argues that the Commission should instead rely on the Initial Notice of Identity and Signal Carriage Complement filed with the U.S. Copyright Office, pursuant to Section 111 of the Copyright Act. CTO adds that any increased reliance on the FCC Form 325 should also prompt several revisions in utilizing it. Both CTO and TCI ask that the Commission adopt one uniform date for mailing it to the operators and another for receiving it from the operators, and that the information requested should also be for signal carriage as of a specific date. TCI notes that the information now obtained from the FCC Form 325, Schedule 1 also could be requested in the future through the FCC Form 325, Schedule 2, instead. In addition, CTO asks that the FCC Form 325 be amended to include a precautionary notice that filing it does not satisfy any Copyright Office requirements, and that the Commission eliminate the present request for information on "Local Programs, Services, Users and Capacities" since it is burdensome and frequently inaccurate. Furthermore, CTO suggests that future registration statements filed pursuant to § 76.12 of the rules require that cable operators identify the relevant headend community so that they will receive only one FCC Form 325.

4. Although they do not oppose the proposed change in § 76.12 of the rules, both Basketball and Baseball agree that retaining the requirement to register when a cable system commences service to a new community is essential to their ability to assert their rights, pursuant to the sports blackout provisions of § 76.67 of the Commission's rules. According to Baseball, there were over 150 new communities served by cable during 1983 alone, and timely registration and public notice of these new community units enabled it to assert its rights, which would not have been possible for a prolonged period by use of the annual FCC Form 325 or through the Copyright

[1] *See Multipoint Distribution Service*, 94 FCC 2d 1203 (1983) (Statement of Commissioner Henry M. Rivera, Concurring in Part, Dissenting in Part); Remarks of Commissioner Henry M. Rivera before ALI-ABA Course of Study on Communications Law: The New Regulatory and Technological Framework, Washington, D.C. March 29, 1984.

Office's Initial Notice. Baseball states that the Register of Copyrights has recommended eliminating these Initial Notices also, and that in any event they are arranged alphabetically, not chronologically, so that it is virtually impossible to identify new communities being served by cable. However, Baseball agrees with CTO that any future registration statements filed pursuant to § 76.12 of the rules, should identify the system's headend community in order to simplify later filing of notices, pursuant to the sports blackout rule. Baseball, West Virginia, and Morgan all note that FCC Form 325 data is not current when it is filed, and that it never appears on public notice, as does the information from the registration statements. Given constant changes in the industry, resulting in some broadcast and non-broadcast services being added and some deleted almost daily, these parties do not believe that they can reasonably be asked to rely on the information generated by FCC Form 325.

5. In fact, West Virginia and Morgan, together with D.S. Kierer, KUTV Inc, and KTHI-TV all oppose deleting the present requirement to file a registration statement with the Commission whenever a cable system adds a television station. Principally their concerns are that there would then be insufficient notice for stations which are entitled to assert carriage and/or network nonduplication protection rights, pursuant to §§ 76.57 76.59, 76.61, or 76.92 of the Commission's rules. West Virginia suggests that the only change that ought to be made in § 76.12 of the rules is to expand it to require that cable operators also file registration statements if they delete a television broadcast station. Morgan agrees with this suggestion, and argues that cable operators should also be required to serve copies of all registration statements on all television stations "involved in their operations" KUTV Inc. suggests that if the Commission deletes the present registration requirement for the carriage of additional television broadcast stations, it should either exempt situations involving the addition of new network affiliated stations, or it should require notification of any such change in signal carriage on "every television station within whose specified zone the cable system operates"

6. Several of the suggestions advanced by CTO concerning modifications to FCC Form 325 and to our filing requirements pursuant to § 76.12 of the rules, including its complete deletion, substantially exceed the scope of the present proceeding, and we decline to initiate these revisions at this time. However, we note that our present procedure of collecting FCC Form 325, Schedule 1 information separately from FCC Form 325, Schedule 2 data enables us to cull out systems which are presently operational so that only those systems receive the pre-printed Schedule 2 form. In turn, filing the Schedule 2 form simply involves correcting any inaccurate information and mailing it back to the Commission. This information, however, differs substantially from that now requested by the U.S. Copyright Office, pursuant to Section 111 of the Copyright Act. That form does not, for example, request data concerning frequency utilization, which is critical to our regulatory scheme, and we are not persuaded that we can confidently rely upon copies of this form for our regulatory purposes.

7 Furthermore, the Commission has previously rejected requests that cable operators be required to serve interested parties with copies of their registration statements, or that they be required to file a registration statement pursuant to § 76.12 of the rules with the Commission whenever they delete a television broadcast station. *Report and Order in CT Docket No. 79-206,* 69 FCC 2d 697 704 (1978). None of the comments or replies submitted herein persuades us to depart from that decision.[1] At the time of the *Report, supra,* the Commission noted that its principal motive for replacing former § 76.11 of the Commission's rules with the simpler procedures in § 76.12 was to increase its efficiency in expediting the initiation of new cable television services, but that this change did not in any way affect any substantive provisions of the rules. Violations of the rules would still be addressed through the forfeiture and show cause procedures in § 76.9 of the Commission's rules, while requests for declaratory rulings and variances in applications of the rules would still be handled by means of the special relief provisions in § 76.7 of the Commission's rules. The situation remains unchanged today, and in this regard we are reminding cable operators of the necessity to submit any revision in the information they previously filed pursuant to § 76.403 of the rules concerning their channel capacity and its utilization whenever they petition the Commission for special relief from the rules.

8. Since that time, however, the Commission has deleted its restrictions on the importation of distant broadcast stations by cable television systems, which was one of the primary reasons it had previously required cable operators to file registration statements when they added a television broadcast station pursuant to § 76.12. *Report and Order in Docket Nos. 20988 and 21284,* 79 FCC 2d 663 (1980), *stay denied,* 81 FCC 2d 385 (1980), *modified,* 82 FCC 2d 375 (1980), *stay granted sub nom. Malrite T.V. of New York, Inc.* v. *FCC,* No. 80-4129 (2d Cir. November 19, 1980) (order granting stay), *aff'd,* 652 F.2d 1140 (2d Cir. 1981), *cert. denied sub nom. National Association of Broadcasters* v. *FCC,* 102 S.Ct. 1002 (1982). Therefore, although the staff has remained relatively current in processing the information generated from the registration statements filed by cable systems commencing operations, it has not routinely processed the data generated by the registration statements filed pursuant to § 76.12 of the rules for the addition of television broadcast stations since November 1982.

9. During this time we note that no party, including those participating in this proceeding, has demonstrated any injury resulting from our failure to process the information. Moreover, in reviewing our proposed action pursuant to the relevant provisions of the *Regulatory Flexibility Act,* Pub. L. 96-354, 94 Stat. 1165, 5 U.S.C. § 601-602 (1980), in an effort to determine if there will be a significant financial impact on a substantial number of small businesses, we agree with the majority of the parties herein that deletion of this provision will substantially reduce the reporting and record keeping requirements by cable television operators. Given the essentially duplicative information now generated by cable operators filing FCC Form 325, Schedule 2, pursuant to § 76.403 of the Rules, and also filing registration statements for the addition of television broadcast stations, pursuant to § 76.12 of the Rules, it appears that this situation constitutes precisely the sort of unwarranted burden the *Regulatory Flexibility Act, supra,* sought to abolish, and the sort of unnecessary paperwork that the *Federal Paperwork Reduction Act,* Pub. L. 96-511, 94 Stat. 2812, 44 U.S.C. 3501-3520 (1980), targeted for elimination. Therefore, we cannot find that it is any longer in the public interest to retain the requirement previously imposed on cable television operators to file registration statements with the Commission, pursuant to § 76.12 of the

[1] Similarly, the Commission has previously disposed of the issues relating to the identification of headend communities by cable operators for the purposes of § 76.67 of the rules, and nothing submitted herein persuades us to alter our prior determination. *Memorandum Opinion and Order in RM 4093,* 92 FCC 2d 1058, 1064-1065 (1982), *recon. Granted,* — FCC 2d — (1984).

rules, when they add a television broadcast station, and we will delete this provision.

10. Accordingly, it is ordered, That § 76.12 of the Commission's rules is amended, effective August 2, 1984, as set forth in the attached Appendix B.

11. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

12. It is further ordered, That this proceeding is terminated.

13. For further information on this matter, contact Angela Bayard Green, Cable Television Branch, Video Services Division, Mass Media Bureau, Federal Communications Commission, (202) 632-7480.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—Parties Filing Comments in the Notice of Proposed Rule Making in MM Docket No. 83-1292

D. S. Kiefer
Pepper & Corazzini
National Cable Television Association, Inc.
Cable Television Operators
Tele-Communications, Inc.
National Basketball Association,
National Hockey League,
North American Soccer League, and
Major Indoor Soccer League
Heritage Communications, Inc.
KUTV Inc.
Americal Legal Foundation
West Virginia Educational Broadcasting Authority
Major League Baseball
Parties Who Filed Reply Comments
KTHI-TV
Major League Baseball
West Virginia Educational Broadcasting Authority
Morgan Murphy Television Stations
National Basketball Association,
National Hockey League,
North American Soccer League, and
Major Indoor Soccer League

Appendix B

47 CFR 76.12 is amended by revising the introductory paragraph to read as follows:

§ 76.12 Registration statement required.

A system community unit shall be authorized to commence operation only after filing with the Commission the following information:

*

Appendix C—Final Regulatory Flexibility Analysis

I. Need for and Purpose of the Rule

Section 76.12 of the Commission's Rules was designed to simplify the certification procedures of former § 76.11 of the Commission's rules. Since that time, however, the Commission has deleted its restrictions on the importation of distant broadcast stations by cable systems, which was originally one of the primary reasons for requiring cable operators to file with us when they added a television broadcast station, thus substantially obviating the necessity for this requirement. Moreover, the Commission is retaining its separate requirement for cable operators annually to file FCC Form 325, Schedule 2, pursuant to § 76.403 of the Commission's Rules, which lists each cable system's entire complement of both broadcast and non-broadcast services. However, § 76.12 insofar as it requires inital notice of the commencement of operation of a new cable system and/or community unit is retained.

II. Flexibility Issues Raised in the Comments

The majority of the parties agree that deletion of this requirement will substantially reduce the reporting and recordkeeping requirements by cable television operators.

III. Significant Alternatives Considered But Not Adopted

Suggestion for adopting other amendments to the Commission's Rules were rejected because they substantially exceeded the scope of the present proceeding.

[FR Doc. 84-17464 Filed 6-29-84; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte No. 246; Sub-No. 2]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services

AGENCY: Interstate Commerce Commission.

ACTION: Final rules: Partial stay of effective date.

SUMMARY: The Interstate Commerce Commission issued final rules governing fees for services performed in connection with licensing and related services at 49 FR 18490, May 1, 1984. After considering the petitions for reconsideration filed in this proceeding the Commission has decided to reopen this proceeding with respect to the fee established for complaints in Item 60 in the fee schedule, 49 CFR 1002.2(f)(60).

EFFECTIVE DATE: This notice is effective on July 2, 1984. The effective date of 49 CFR 1002.2(f)(60) is stayed until further notice.

FOR FURTHER INFORMATION CONTACT: James H. Bayne, (202) 275-7428; Kathleen M. King, (202) 275-7429.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the decision, write TS InfoSystems, Inc., Room 2227 Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan Area) or toll free (800) 424-5403.

PART 1002—[AMENDED]

Accordingly, the Commission will stay the effective date of the fee in 49 CFR 1002.2(f)(60) until further notice.

Authority: 49 U.S.C. 553, 31, U.S.C. 9701 and 49 U.S.C. 10321.

Decided: June 27 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-17693 Filed 6-29-84; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1002

[Ex Parte No. 246 (Sub-No. 2)]

Regulations Governing Fees for Services Performed In Connection With Licensing and Related Services

AGENCY: Interstate Commerce Commission.

ACTION: Final rules: Correction and clarification.

SUMMARY: The Interstate Commerce Commission issued final rules governing fees for services performed in connection with licensing and related services at 49 FR 18940, May 1, 1984. In this document the Commission is correcting certain fee titles and is issuing some minor clarifications of several other fee items.

EFFECTIVE DATE: July 2, 1984.

FOR FURTHER INFORMATION CONTACT: James H. Bayne (202) 275-7428; Kathleen M. King (202) 275-7429.

SUPPLEMENTARY INFORMATION: In the final rules published at 49 FR 18492, May 1, 1984, it is necessary to make several technical corrections and clarification of fee items set out in the Commission's revised fee schedule issued May 1, 1984.

Explanation of Corrections and Clarification

(1) *Operating Authority Applications (Item 1).*

When the title for this item relating to application for operating authority was revised, reference to motor carrier exemption authority was omitted. While such applications rarely are filed, 49 U.S.C. 10525, *Exempt Motor Carrier Transportation Entirely in One State,* still provides for such an application.

Accordingly, the entry for this item will be modified to read as follows:

(1) An application for motor or water carrier operating or exemption authority, a certificate of registration, or an application for broker or freight forwarder authority.

(2) *Emergency Temporary authority (ETA) Applications and Extension (Item 9 and 10).*

In our discussion of these items we indicated that both the ETA application fee and the fee for an extension request would be due when an applicant filed an ETA application and a corresponding extension request concurrently. However, on subsequent review of those procedures, we have determined that when an application meets conditions which warrant an automatic extension, no ETA extension fee will be required. The only fee that will be charged will be the $50 fee for the ETA application. The ETA extension fee of $12.00 only will be collected when an extension is requested by the filing of the OCCA–19 form.

The Commission's regulations now provide for the filing of water carrier ETA applications. Therefore, the entry for the fee item will be revised as follows:

(9) An application for motor or water carrier emergency temporary authority under 49 U.S.C. 10928(c)(1).

(3) *Tariffs (Item 74).*

In addition to the formal petitions for reconsideration filed in this proceeding, the Commission has received numerous informal inquiries requesting a listing of the specific documents which are included in this item. The following is a listing of all documents which are included in this fee item:

(1) Motor, water and rail carriers, and freight forwarder tariffs;

(2) Amendments to all tariffs including loose-leaf amendments;

(3) Rail contracts and contract amendments. (The summary tariffs which accompany these contracts or contract amendments will not be considered a separate chargeable item);

(4) Freight-forwarder-motor carrier contracts and amendments;

(5) Rate schedules for motor contract carriers of passengers and water contract carriers;

(6) Blanket supplements. (The fee for these will be charged on the basis of $4.00 per tariff series affected) and;

(7) Adoption notices on tariffs. (The fee for these will be charged on the basis of $4.00 per tariff series affected.)

No fee will be charged for the following documents:

(1) Postal contracts;

(2) Government tenders;

(3) Concurrences; and

(4) Powers of Attorney.

This decision does not significantly affect either the quality of the human environment or energy conservation.

It is ordered: The Corrections to 49 CFR 1002.2(f) set forth in the Appendix are adopted.

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure.

Authority: 5 U.S.C. 553, 31 U.S.C. 9701 and 49 U.S.C. 10321.

Decided: June 27, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne

Secretary.

Appendix

In FR Doc. 84–11678, appearing in the Federal Register of May 1, 1984 (49 FR 18492) in § 1002.2, paragraphs (f)(1) and (9) are correctly revised to read as follows:

PART 1002—FEES

§ 1002.2 Filing Fees.

* * * * *

(f) * * *

(1) An application for motor or water carrier operating or exemption authority, a certificate of registration, or an application for broker or freight forwarder authority $150

* * * * *

(9) An application for motor or water carrier emergency temporary authority under 49 U.S.C. 10928(c)(1). $50

* * * * *

[FR Doc. 84-17032 Filed 6-29-84; 9:11 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 40667-4037]

Foreign Fishing; Poundage Fee Schedule

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA revises the 1984 poundage fee for foreign vessels which catch Alaska flatfish in the fishery conservation zone of the Bering Sea and Aleutian Islands management areas. The revision is required by the terms of the order of dismissal of a suit by the Japan Fisheries Association on the 1984 foreign fishing fees. This rule reduces foreign fees for Alaska flatfish caught in the Bering Sea and Aleutian Islands groundfish fishery.

EFFECTIVE DATE: June 29, 1984.

FOR FURTHER INFORMATION CONTACT: John D. Kelly, 202–634–7432.

SUPPLEMENTARY INFORMATION: NOAA implemented a schedule of fees effective January 1, 1984, for fishing in the fishery conservation zone (FCZ) by foreign vessels. The final rule to implement that schedule was published on January 5, 1984, at 49 FR 595.

After implementation of the schedule, the Japan Fisheries Association (JFA) filed a civil suit with the U.S. District Court for the District of Columbia. Among the complaints, the JFA claimed that the value of Alaska flatfish, on which fees for the catch of Alaska flatfish are based, is overstated in the schedule published at 49 FR 595. JFA argued that Alaska flatfish taken by Japanese trawlers is of inferior quality to coastal flatfish landed in Japan and is of lesser value than the fresh coastal product because it is landed frozen.

NOAA and the JFA agreed to settle this suit on March 30, 1984, and an *Order of Dismissal* was filed on April 5, 1984. The suit was dismissed upon terms and conditions agreed to by attorneys for the JFA and the Department of Justice. The agreement required that NOAA revise the foreign fishing fee for some Alaska flatfish harvested in the FCZ off Alaska.

Consisent with the terms of dismissal, NOAA issues this final rule which revises the fee for Alaska flatfish caught by foreign vessels in the Bering Sea and that portion of the North Pacific Ocean adjacent to the Aleutian Islands west of 170° West longitude (BSA). The fee for flatfish harvested in the BSA management areas in 1984 is $30/mt. This fee is revised from the former amount of $59/mt by reducing the management factor to 0.5 from 1.0. The fee for flatfish caught in the Gulf of Alaska management areas east of 170° West longitude remains at $59/mt.

NOAA has reviewed the effect of this change on the fee collection target of $44.5 million in 1984. New estimates of the foreign catches in all fisheries indicate that no shortfall in fee collections will result from this action because of projected increased catches in this and other foreign fisheries. The projected increases were not available for the estimates used to develop the final schedule published on January 5, 1984. Shortfalls in the fees collected in 1984 may occur, but these will be the result of actions taken by NOAA on

allocations and "Fish and Chips" agreements and the result of changes in the fishing strategies of foreign nations during the year. No action will be taken by the Agency to recoup any shortfalls in fee collections.

Classification

The classification section of the Notice of Final Rule to implement the 1984 foreign fishing poundage fees (49 FR 595) discusses compliance of the fee schedule with section 2 of E.O. 12291, the Regulatory Flexibility Act, and the National Environmental Policy Act. This action does not alter the conclusions about compliance of the fee schedule with requirements of those statutes and the Executive Order. The final rule has no information collection provisions, for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

As is explained above, this rule was agreed to as part of the settlement of a civil suit opposing the fee which this rule amends. In view of that agreement and to facilitate completion of bills for the first quarter of 1984 based on the species poundage fees agreed to in the order of dismissal, notice and public procedure on the rule are impracticable. Therefore, there is good cause for making this rule effective immediately without 30-days advance notice.

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: June 27 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 611 is amended as follows:

PART 611—[AMENDED]

1. The authority citation for § 611.22 is:

Authority: 16 U.S.C. 1801 *et seq.*

§ 611.22 [Amended]

2. Table 1 of § 611.22(a)(2) is revised by removing item "13 Flatfish (Alaska)" and the poundage fee "59" and replacing it with item "13.a. Flatfish (Bering Sea and Aleutian Islands)" and the poundage fee "30" followed by item "13.b. Flatfish (Gulf of Alaska)" and the poundage fee "59".

[FR Doc. 84-17548 Filed 6-29-84; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 652

[Docket No. 40675-4075]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule and request for comment.

SUMMARY: NOAA issues an emergency interim rule amending the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries. This rule increases the optimum yield range for the New England Area surf clam fishery and modifies the control measures used in New England to prevent the fishery from exceeding the annual fishery quota. This rule also increases the 1984 annual surf clam quota for the New England Area to 200, 000 bushels from the present 100,000 bushel level. This action is intended to reduce the probability of a lengthy closure of the New England Area surf clam fishery.

EFFECTIVE DATE: July 1, 1984 until September 28, 1984. Comments on this rule and supporting documents will be accepted until August 1, 1984.

ADDRESSES: Comments should be sent to Bruce Nicholls, Surf Clam Management Coordinator, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Mark "New England Surf Clam Comments" on the envelope.

Copies of the environmental assessment and the draft regulatory impact review/initial regulatory flexibility analysis supporting this rule are available from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls (Surf Clam Management Coordinator), 617-281-3600, ext. 324.

SUPPLEMENTARY INFORMATION: This emergency interim rule was prepared by the New England Fishery Management Council (Council), at the request of the Mid-Atlantic Fishery Management Council.

The purpose of this rule is to revise the New England Area surf clam management program to reflect the increased knowledge of the status of the resource by increasing the upper bound of the optimum yield (OY) range from which the annual quota is selected to 200,000 bushels. This rule also: (1) Increases the 1984 annual quota to 200,000 bushels, the maximum amount within the OY range; (2) imposes a minimum size limit for surf clams in the New England Area consistent with the size imposed in the Mid-Atlantic Area; and (3) revises the effort control program to better reflect the particular regional characteristics of the New England Area fishery.

This rule is being implemented using the emergency authority provided to the Secretary under section 305(e) of the Magnuson Fishery Conservation and Management Act. At their joint meeting held in Newport, Rhode Island, from May 10–12, 1984, the New England and Mid-Atlantic Fishery Management Councils together voted unanimously to invoke that authority to resolve what they believe is a significant emergency. This rule is intended to reduce the likelihood of a repeat of the 1983 fishing season. During 1983, the fishing time was reduced to 12 hours per week for two months, and closed for six months. Harvest rates for the first several months of 1984 have been as high as those in the same months of 1983, leading the Councils to the reasonable conclusion that without this action, a closure of six months or more would be necessary during 1984. Neither of the Councils wanted a repeat of the 1983 management season, with its attendant potential for damaging the growth of the New England surf clam industry. The Councils believe that the measures specified in this rule better reflect the current understanding of the New England Are surf clam resource and fishery. The measures have been developed with the assistance of vessel operators dependent upon the surf clam resource in the New England Area.

The revised effort control program establishes a series of bimonthly harvest guidelines, which are expressed as percentages of the annual quota. The Regional Director will monitor harvests, and will recommend no effort restrictions if harvests are within the guidelines. When harvest reaches fifty percent of any bimonthly guideline, the Regional Director will consult with the Council and the Secretary may then impose successively more restrictive tiers of effort control measures. The first restrictive tier consists of trip landing limits. The second restrictive tier consists of weekly landing limits. The third restrictive tier is closure of the fishery for the remainder of the bimonthly period.

Minimum trip and weekly landing limit values have been established. The Secretary will proceed to the next more restrictive tier rather than reduce trip or weekly landing limits below these values, which have been established to prevent de-facto economic closure of the

fishery while it remains technically open.

The minimum values of trip and weekly landing limits have been specified by vessel size class. The size classes are defined by a range, based on vessel official gross registered tonnage. The classes are as follows:

Vessel class	Gross registered tonnage
Class I	0 to 50.
Class II	51 to 100.
Class III	101 and over.

Minimum trip landing limits by vessel class are as follows:

Vessel class	Minimum trip landing limit
Class I	224 bushels/trip.
Class II	416 bushels/trip.
Class III	768 bushels/trip.

Minimum weekly landing limits by vessel class are as follows:

Vessel class	Minimum weekly landing limit
Class I	352 bushels/week.
Class II	640 bushels/week.
Class III	1,184 bushels/week.

The relative trip and weekly landing limits by vessel class have been assigned based on the relative average fishing power of the vessel classes as determined from Mid-Atlantic Area logbook data for 1982 and 1983. Final amounts have been rounded to the nearest multiple of 32 bushels, the standard landing measure for surf clams.

The Secretary may close the New England Area surf clam fishery without consulting the Council if necessary to avoid exceeding the bimonthly guidelines.

Fishing vessel operators who intend to fish in the New England Area must in from the Regional Director, by letter, of that intent on less than seven days before they plan to begin fishing. The letter should state the name of the vessel(s) planning to fish in the area, the NMFS permit numbers of the vessel(s), and the period of intended fishing. Only one notification is required during any calendar year. This notification will be used to provide the Regional Director with a list of vessels to be notified when adjustments of the management measures are to be made.

For the reasons specified, the Secretary issues this emergency rule for a period of 90 days. If the emergency continues beyond this period, the Secretary may extend this rule for a subsequent 90 days.

Classification

The Assistant Administrator, NOAA, has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator also finds that, due to the imminent possibility of closure of the fishery and the potential for economic dislocation, the reasons justifying promulgation of these rules on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of these emergency regulations, under the provision of section 553 (b) and (d) of the Administrative Procedure Act.

The Assistant Administrator has determined that this rule does not directly affect the coastal zone of any State with an approved coastal zone management program.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

An environmental assessment (EA) was prepared for this action. The Assistant Administrator concluded that there will be no significant impact on the human environment. A copy of the EA is available from the Council at the address listed above.

This rule does not contain a collection of information requirement subject to the Paperwork Reduction Act. The fishing vessel operator letter of intent does not fall within OMB's definition of "information" found at 50 CFR 1320.7 (k).

As provided by section 603 of the Regulatory Flexibility Act, this emergency rule is being promulgated in response to an emergency which makes preparation of an initial regulatory flexibility analysis under Section 603 and timely compliance with the section 604 requirements for a final regulatory flexibility analysis impracticable. The Council has prepared an initial regulatory flexibility analysis. The final regulatory flexibility analysis has been delayed to allow the Assistant Administrator to consider public comment received during the comment period.

List of Subjects in 50 CFR Part 652

Fisheries, Fishing.

Dated: June 27, 1984.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

For the reasons set out in the preamble, NOAA amends 50 CFR Part 652 as set forth below:

1. The authority citation for Part 652 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 652.5 is amended by adding a new paragraph (b)(7) to read as follows:

§ 652.5 Recordkeeping and reporting requirements.

* * * * *

(b) * * *

(7) *Intention to fish.* Vessel owners or operators who intend to fish in the New England Area FCZ must inform the Regional Director, by registered letter, of their intention not less than seven days before they begin fishing.

* * * * *

3. Section 652.7 is amended by revising paragraphs (a)(2) and (a)(3), and (i), and adding new paragraphs (a)(4) and (a)(5) to read as follows:

§ 652.7 Prohibitions.

(a) * * *

(2) In closed areas as specified in these regulations;

(3) On days of the week in which fishing for these species is not authorized;

(4) In excess of applicable trip or weekly landing limits; or

(5) In the New England Area without having provided the notice required in § 652.5(b)(7).

* * * * *

(i) No person may have in his possession surf clams taken in violation of the size limit prescribed in § 652.25.

4. Section 652.21 is amended by revising paragraph (b) to read as follows:

§ 652.21 Catch quotas.

* * * * *

(b) *Surf Clams: New England Area.* The amount of surf clams which may be harvested in the New England Area by fishing vessels subject to these regulations will be specified annually within the range of 25,000 to 200,000 bushels. This annual quota will be divided into bimonthly harvest guidelines in the following percentages of the annual quota: January and February—8%, March and April—8%, May and June—28%, July and August—16%, September and October—28%, November and December—12%.

(1) *Establishing quotas.* Prior to the beginning of each year, the Regional Director will prepare a written report, based on the latest available stock assessment report prepared by the National Marine Fisheries Service, data reported by harvesters and processors according to these regulations, and other relevant data. The report will include consideration of—

(i) Exploitable biomass and spawning biomass relative to optimum yield;

(ii) Fishing mortality rates relative to optimum yield;

(iii) Magnitude of incoming recruitment;

(iv) Projected effort and corresponding catches;

(v) Status of areas closed to surf clam fishing that are likely to be opened during the year, and areas likely to be closed to fishing during the year; and

(vi) Changes in seasonal distribution of harvest suggesting a need to revise the bimonthly harvest guidelines.

(2) *Public review.* Based on the information presented in the report, and in consultation with the Council, the Secretary will propose an annual surf clam quota and, if necessary, revised bimonthly guidelines and will publish them in the Federal Register. Comments on the proposal may be submitted to the Regional Director within 30 days after publication. The Secretary will consider all comments, determine an appropriate annual quota and bimonthly guidelines, and publish them in the Federal Register.

(3) *Adjustments.* If the actual catch of surf clams falls short of a bimonthly guideline, the Secretary will add the amount of the shortfall to the succeeding bimonthly guideline. If the actual catch of surf clams exceeds a bimonthly guideline, the Secretary will subtract the amount of the excess from the succeeding bimonthly guideline.

(4) *Notice.* The Secretary will specify the status of a bimonthly guideline when he publishes adjustments to effort control measures in the Federal Register under § 652.22(b)(2). Interested parties may contact the Regional Director to determine the current status of a bimonthly guideline.

(5) *Annual quota.* The annual surf clam quota for 1984 is set at 200,000 bushels.

* * * * *

5. Section 652.22 is amended by revising paragraphs (b), (d), and (e), to read as follows:

§ 652.22 Effort restrictions.

* * * * *

(b) *Surf Clams: New England Area.*

(1) *The fishing week.* Fishing for surf clams will be allowed seven days per week. The fishing week begins at 0001 hours Sunday and ends at 2400 hours Saturday.

(2) *Management measure adjustments.* The Regional Director will monitor the rate of harvest using logbook and other available information. If the Regional Director determines that harvests will remain within the bimonthly guidelines, no action will be taken. When harvest reaches 50 percent of any bimonthly guideline, the Secretary may implement the following measures, in succession, following consultation between the Regional Director and the Council or its designated Committee. During that consultation, the Regional Director will determine with the Council the range of trip or weekly landing limits to be used within each tier. The Secretary may then adjust the limits as required within the specified range to avoid exceeding the bimonthly guidelines. (i) *First tier.* If the Regional Director determines that harvests will exceed the bimonthly guidelines, the Secretary may impose trip landing limits, provided those limits are not less than the following:

(A) Vessels between 0 and 50 gross registered tons (Class I), 224 bushels/trip.

(B) Vessels between 51 and 100 gross registered tons (Class II), 416 bushels/trip.

(C) Vessels greater than 101 gross registered tons (Class III), 768 bushels/trip.

(ii) *Second tier.* If the Regional Director determines that the first tier measures cannot effectively constrain harvests within the guidelines, the Secretary may impose weekly landing limits, provided those limits are not less than the following:

(A) Class I vessels, 352 bushels/week.

(B) Class II vessels, 640 bushels/week.

(C) Class III vessels, 1,184 bushels/week.

(iii) *Third tier.* The closure provisions specified in paragraph (d) below may be invoked by the Secretary, as required, without consulting the Council.

* * * * *

(d) *Closures.* If the Regional Director determines (based on logbook reports, processor's reports, vessel inspections, or other information), that the quota or harvest guidelines for surf clams or ocean quahogs for any time period will be exceeded, the Secretary will publish a notice in the Federal Register stating the determination and setting a date and time for closure of the fishery.

(e) *Notices.* The Secretary will publish a notice in the Federal Register of any change in allowable fishing times, trip or weekly landing limits. The Regional Director will send notice of any management action under this § 652.22 to each surf clam or ocean quahog processor, and to each vessel identified to be operating in the affected fishery or area.

* * * * *

6. Section 652.25 is amended by revising paragraph (a) introductory text to read as follows:

§ 652.25 Size restrictions.

(a) Minimum length. A minimum size limit for surf clams of 5½ inches in length is imposed with the following exceptions:

* * * *

[FR Doc. 84-17459 Filed 6-27-84; 10:27 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 128
Monday, July 2, 1984

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 251

Temporary Emergency Food Assistance Program for Fiscal Years 1984 and 1985

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends the Temporary Emergency Food Assistance Program regulations (7 CFR Part 251) to add requirements that State agencies monitor program participation and submit reports. These provisions strengthen Part 251 regulations by increasing program accountability.

DATE: To be assured of consideration comments must be received or postmarked on or before August 31, 1984.

ADDRESS: Comments should be sent to: Gwena Kay Tibbits, Chief, Program Administration Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302.

Comments in response to these rules may be inspected at 3101 Park Center Drive, Room 506, Alexandria, Virginia during normal business hours (8:30 a.m. to 5:00 p.m., Mondays through Fridays).

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Administration Branch, (703) 756-3660.

SUPPLEMENTARY INFORMATION: The recordkeeping and information collection requirements imposed by this rule have been approved by the Office of Management and Budget (OMB 0584-0313).

Classification

This action has been reviewed under Executive Order 12291 and has not been classified major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more nor will it have a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule has been reviewed with regard to the Regulatory Flexibility Act (Pub. L. 96-354). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

Background

The regulations governing the Temporary Emergency Food Assistance Program were amended on December 16, 1983 (48 FR 55988-55993) to implement the provisions of Title II of Pub. L. 98-8, as amended by Pub. L. 98-92. The Department is now proposing additional amendments to Part 251 that will increase the effectiveness of the program strengthening the accountability and monitoring requirements.

Recordkeeping and Reports

Under the interim regulations, State agencies are required to submit the SF-269, Financial Status Report, to the FNS Regional Office. That report requests financial data for each activity associated with food distribution in the State. Section 251.9(f)(1) of this proposed rule also requires State agencies to identify on the SF-269 State and local costs associated with the Temporary Emergency Food Assistance Program and § 251.9(f)(2) of the proposed rule requires State agencies to report the number of persons served and amount of each commodity distributed each month.

Participant Information

Section 251.9(a) of the proposed rule requires emergency feeding organizations to collect and maintain certain information concerning households receiving commodities. The State agency or the emergency feeding organization may require household members to provide additional information, but at a minimum the emergency feeding organization must record the name of the household member who requests commodities, the address of the household (to the extent practicable) and the basic for determining that the household is eligible to receive commodities.

The Department believes the collection of this minimal amount of participant information will retain the simplicity of program operations as well as improve accountability. The recording of this information will enable the State to gain a more accurate account of the number of persons receiving commodities and aid the State in monitoring compliance with program requirements.

State Monitoring System

The Department is proposing to add a new § 251.9(g) which requires that each State agency must establish and carry out a monitoring system. Each State's monitoring system must be described in the State plan required by § 251.6.

The monitoring procedures must be sufficently comprehensive to enable the State to determine if emergency feeding organizations are utilizing commodities in compliance with program requirements. The monitoring procedures must include an annual review of all emergency feeding organizations. The review of each emergency feeding organization must encompass eligibility determination procedures, commodity ordering procedures, storage and warehousing practices, inventory controls, approval procedure for distribution sites and compliance with reporting and recordkeeping requirements.

The Department is aware of the fact that distribution systems vary from State to State. For example, California has about 47 emergency feeding organizations which serve approximately 1.4 million persons on monthly basis. New York estimates that 700 emergency feeding organizations in that State serve a monthly participation of 1.5 million persons. It appears that some States define each distribution site as an emergency feeding organization, while other States approve relatively few emergency feeding organizations, many of which operate a number of distribution sites. Because of these differences, the Department is particularly interested in comments which address this issue. The proposed

rule does not specify how many of the distribution sites of a multi-site emergency feeding organization must be reviewed. We wish to impose equal review requirements on all States regardless of the actual number of emergency feeding organizations and distribution sites present in each State. Commenter suggestions of a review requirement are requested for consideration in the establishment of a specific review standard for distribution sites in the final rule.

List of Subjects in 7 CFR Part 251

Aged, Agricultural commodities, Business and industry, Food assistance programs, Food donations, Grant programs, Social programs, Indians, Infants and children, Price support programs, Reporting and recordkeeping requirements, School breakfast and lunch programs, Surplus agricultural commodities.

PART 251—[AMENDED]

Accordingly, Part 251 is amended as follows:

1. Section 251.6 is revised to read as follows:

§ 251.6 Household Eligibility and Distribution Plan.

Prior to initiating distribution, the State agency shall submit for approval by the appropriate FNS Regional Office a plan which includes (a) a description of the criteria established in accordance with § 251.5(b) for determining that persons in households are in need of food assistance under this part, (b) the rates for distributing commodities to persons in households established in accordance with § 251.4(d)(3) and (c) a description of the State monitoring system in accordance with § 251.9(g).

2. In § 251.9, paragraph (a) is amended by adding new subparagraphs (3), (4) and (5) as follows:

§ 251.9 Miscellaneous provisions.

(a) *Records.* * * *

(3) Each emergency feeding organization shall keep accurate and complete records showing the data and method used to determine the number of eligible households served by that organization.

(4) Each emergency feeding organization shall collect and retain for each household participating in the program the name of the household member receiving commodities, the address of the household (to the extent practicable) and the basis for determining that the household is eligible to receive commodities.

(5) All records required by this section shall be retained for a period of 3 years from the close of the Federal Fiscal Year to which they pertain.

* * * * *

3. In § 251.9, new paragraphs (f) and (g) are added as follows:

§ 251.9 Miscellaneous provisions.

* * * * *

(f) *Reports.* (1) *Report of Financial Status (SF–269).* Designated State agencies shall identify funds obligated and disbursed to cover the costs associated with the program at the State and local level. State and local costs shall be identified separately. The data shall be identified on Standard Form 269 Financial Status Reports, which are submitted by State agencies to FNSRO on a quarterly basis. The quarterly report shall be submitted no later than 30 calendar days after the end of the quarter to which it pertains. The final report shall be submitted no later than 90 calendar days after the end of the fiscal year to which it pertains.

(2) *Monthly Report of Participation and Commodity Amounts Distributed.* Each State agency shall report to FNSRO the number of persons served and the amount of each commodity that is distributed within the State each month in a format designed by FNS. The report shall be submitted no later than 30 days after the end of the month to which it pertains.

(g) *State Monitoring System.* (1) Each State agency shall monitor the operation of the Temporary Emergency Food Assistance Program. To comply with this requirement, the State agency must develop and submit a monitoring plan for approval by FNS as part of the State Plan approval process required by § 251.6.

(2) The State monitoring system must include an annual review of all emergency feeding organizations within the State. The review must encompass eligibility determinations, food ordering procedures, storage and warehousing practices, inventory controls, approval of distribution sites, reporting and recordkeeping requirements. The State shall, through these reviews, determine if emergency feeding organizations are operating the program in compliance with program requirements.

(3) The State agency shall submit a report of review findings to each emergency feeding organization. The report shall include: (i) A description of each deficiency found; (ii) the factors contributing to each deficiency; and (iii) requirements for corrective actions, including a timetable for completion of corrective action. The State agency shall monitor each emergency feeding organization's implementation of corrective actions identified in the report.

(Catalog of Federal Domestic Assistance No. 10.550)

Authority: Section 210(c), Pub. L. 98–8, as amended.

Dated: June 27, 1984.

Robert E. Leard,

Administrator.

[FR Doc. 84–17516 Filed 6–29–84; 8:45 am]

BILLING CODE 3410–30–M

Federal Crop Insurance Corporation

7 CFR Part 434

[Docket No. 1115S; Amdt. No. 3]

Tobacco (Dollar Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend Appendix A to the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434) to include additional counties recently approved by FCIC's Board of Directors for tobacco crop insurance, to list counties inadvertently omitted from previous county listing publications, and to republish Appendix A in its entirety to reflect all counties currently designated for tobacco crop insurance. The intended effect of this rule is to update the list of counties wherein tobacco crop insurance is authorized to be offered under the provisions of the Tobacco (Dollar Plan) Crop Insurance Regulations and to notify all interested parties in the additional affected counties so that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than August 1, 1984 to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512–1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity,

and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17 1981), because it will not have an annual effect on the economy of $100 million or more; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

As set forth in the notice related to 7 CFR Part 3015, Subpart V (48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities are excluded from the provisions of Executive Order No. 12372, requiring intergovernmental consultation with State and local officials.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Under the provisions of 7 CFR 434.1, before any insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which tobacco crop insurance shall be offered. The Board of Directors has approved additional counties for tobacco crop insurance and the Manager proposes to make crop insurance available in those counties effective with the 1984 and succeeding crop years. The proposed additional counties are listed and identified in Appendix A by an asterisk ("*").

In reviewing the county listing for tobacco crop insurance, FCIC noted that several counties had been inadvertently omitted from previous regulations published in the Federal Register. These counties are included in Appendix A and are identified by two asterisks ("**").

To be sure that Appendix A lists every county wherein tobacco crop insurance is other authorized to be offered, FCIC is republishing Appendix A in its entirety.

The public is invited to submit written comments, data, and opinions on this proposed rule for 30 days after publication in the Federal Register. All comments made pursuant to this action will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 434

Crop insurance, Tobacco (dollar plan).

Proposed Rule

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority Citation for 7 CFR Part 434 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 434 is amended by revising and reissuing Appendix A thereto to read as follows:

Appendix A.—Counties Designated for Tobacco (Dollar Plan) Crop Insurance

The following counties are designated for Tobacco (Dollar Plan) Crop Insurance under the provisions of 7 CFR 434.1.

Alabama

Butler

Florida

Alachua
**Baker
**Bradford
Columbia
*Dixie
Gadsden
Gilchrist
Hamilton
*Holmes
*Jackson
**Jefferson
**Lafayette
*Leon
Levy
Madison
*Marion
*Nassau
*Sumter
Suwannee
**Taylor
**Union

Georgia

Appling
Atkinson
Bacon
Ben Hill
Berrien
Brantley
Brooks
**Bryan
Bulloch
Candler
**Charlton
**Clinch
Coffee
Colquitt
Cook
Decatur
**Dodge
**Echols
Effingham
Emanuel
Evans
Grady
Irwin
Jeff Davis
**Jenkins
Lanier
Laurens
*Liberty
**Long
Lowndes
Mitchell
Montgomery
Pierce
*Screven
Tattnall
Telfair
Thomas
Tift
Toombs
Treutlen
Turner
Ware
Wayne
Wheeler
Wilcox
Worth

Kentucky

Allen
Butler
Caldwell
Calloway
Carlisle
Christian
*Crittendon
Daviess
*Fulton
Graves
Hancock
Henderson
**Hickman
Hopkins
Logan
**Lyon
McCracken
McLean
Marshall
Muhlenberg
Ohio
Simpson
Todd
Trigg
*Union
Warren
Webster

North Carolina

Alamance
Alexander
**Anson
Beaufort
Bertie
Bladen
Brunswick
**Caldwell
Carteret
Caswell
Chatham
*Cherokee
**Chowan
*Clay
Columbus
Craven
Cumberland
Davidson
Davie
Duplin
Durham
Edgecombe
Forsyth
Franklin
Gates
Granville
Greene
Guilford
Halifax
Harnett
*Henderson
Hertford
Hoke
Iredell
*Jackson
Johnston
Jones
Lee
Lenoir
*McDowell
*Macon
Martin
Montgomery
Moore
Nash
**New Hanover
Northampton
Onslow
Orange
Pamlico
Pender
Person
Pitt
Randolph
Richmond
Robeson
Rockingham
*Rowan
*Rutherford
Sampson
Scotland
Stokes
Surry
*Swain
*Transylvania
Vance
Wake
Warren
Washington
Wayne
Wilkes
Wilson
Yadkin

South Carolina

*Bamberg
Berkeley
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Florence
Georgetown
*Hampton
Horry
*Jasper
Kershaw
Lee
Marion
Marlboro
Orangeburg
Sumter
Williamsburg

Tennessee

Cheatham
**Davidson
Dickson
Henry
*Houston
Macon
Montgomery
*Obion
Robertson
Stewart
Sumner
Weakley

Virginia

Amelia
*Amherst
Appomattox
**Bedford
Brunswick
*Buchanan
**Buckingham
Campbell
Caroline
*Carroll
Charlotte
**Chesterfield
Cumberland
*Dickenson
Dinwiddie
*Essex
*Floyd
*Fluvanna
Franklin
*Goochland
Greensville
Halifax
*Hanover
Henry
*King and Queen
**Louisa
Lunenburg
Mecklenburg
*Montgomery
*Nelson
Nottoway
Patrick
Pittsylvania
*Powhatan
Prince Edward
Prince George

*Pulaski	*Westmoreland
Southampton	*Wythe
Sussex	Suffolk City
*Tazewell	

West Virginia

*Boone	*Monroe
*Jackson	*Wayne
*Logan	*Wirt

Wisconsin

Columbia	La Crosse
Crawford	Monroe
Dane	Richland
*Grant	Rock
*Jackson	Trempealeau
Jefferson	Vernon

Done in Washington, D.C., on May 11, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 5, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-15725 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 446

[Docket No. 1104S; Amdt. 1]

Walnut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend Appendix A to the Walnut Crop Insurance Regulations (7 CFR Part 446) to include additional counties recently approved by FCIC's Board of Directors for walnut crop insurance, and to republish Appendix A in its entirety to reflect all counties currently designated for walnut crop insurance. The intended effect of this rule is to update the list of counties wherein walnut crop insurance is authorized to be offered under the provisions of the Walnut Crop Insurance Regulations and to notify all interested parties in the additional affected counties that they are now eligible to participate in the program.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than August 1, 1984, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation No. 1512-1 (December 15, 1983). This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under that memorandum. The sunset review date established for these regulations is September 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action: (1) Is not a major rule as defined by Executive Order No. 12291 (February 17 1981), because it will not have an annual effect on the economy of $100 million or more; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

As set forth in the notice related to 7 CFR Part 3015, Subpart V 48 FR 29116, June 24, 1983), the Federal Crop Insurance Corporation's program and activities, requiring intergovernmental consultation with State and local officials, are excluded from the provisions of Executive Order No. 12372.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

Under the provisions of 7 CFR 446.1, before any insurance is offered in any county, there shall be published by applendix to this part the names of the counties in which walnut crop insurance shall be offered. The Board of Directors has approved additional counties for walnut crop insurance and the Manager proposes to make crop insurance available in those counties effective with the 1984 and succeeding crop years. The proposed additional counties are listed and identified in Appendix A by an asterisk ("*").

To be sure that Appendix A lists every county wherein walnut crop insurance is otherwise authorized to be offered, FCIC is republishing Appendix A in its entirety.

The public is invited to submit written comments, data, and opinions on this proposed rule for 30 days after publication in the Federal Register. All comments made pursuant to this action will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 446

Crop insurance (Walnut).

Proposed Rule

PART 446—[AMENDED]

Accordingly, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Walnut Crop Insurance Regulations (7 CFR Part 446), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority Citation for 7 CFR Part 446 is:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 446 is amended by revising and reissuing Appendix A thereto to read as follows:

Appendix A.—Counties Designated for Walnut Crop Insurance

The following counties are designated for Walnut Crop Insurance under the provisions of 7 CFR 446.1.

California

*Butte	*San Joaquin
*Colusa	*San Luis Obispo
*Contra Costa	*Santa Clara
*Fresno	*Shasta
*Glenn	*Solano
*Kern	Stanislaus
*Kings	Sutter
*Lake	Tehama
*Madera	Tulare
*Merced	*Yolo
*San Benito	*Yuba

Done in Washington, D.C., on May 8, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Date: June 5, 1984.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 84-15730 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-08-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Business Loans; Sales of the Guaranteed Portion

AGENCY: Small Business Administration.

ACTION: Proposed rulemaking.

SUMMARY: SBA is proposing a rule which would require that all secondary market sales be evidenced by SBA Form 1086, "Secondary Participation Guaranty and Certification Agreement," and which would prescribe requirements for the proper execution of such form. Due to the declining level of resources available to SBA, the agency has

determined that the most efficient way to address the recordkeeping problem and implement secondary market policy decisions is to require the use of Form 1086. On or after (four (4) months from promulgation of the final rule), participating lenders will not be permitted to use SBA Form 1084, "Secondary Participation Guaranty Agreement" and will be required to comply with the new execution requirements. This proposed rule will apply to all secondary market sales in which the SBA executes the secondary participation agreement on or after such effective date. A revision of SBA Form 1086 is being simultaneously published for public comment.

DATE: Comments must be received by August 31, 1984.

FOR FURTHER INFORMATION CONTACT: James B. Ramsey, Director of Secondary Market Activities, 212-264-5877 Small Business Administration, New York Regional Office, 26 Federal Plaza—31st Floor, New York, New York 10278.

ADDRESSES: Comments should be addressed to: Associate Administrator for Finance and Investment, Room 800, 1441 L Street, NW., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: The Small Business Administration permits a lender to sell the guaranteed portion of an SBA loan to an investor. Lenders and investors may now use either SBA Form 1084 "Secondary Participation Guaranty Agreement" or Form 1086. If Form 1086 is used, a certificate is issued by the SBA-appointed fiscal and transfer agent (FTA). The certificate is registered in the name of the holder and must be cancelled and reissued for a valid resale to occur. The FTA arranges wire closing of the initial sales transaction. Each lender collects a borrower's payments and forwards the appropriate share to the FTA. The borrower may not be aware that his or her loan has been sold. The FTA consolidates the submissions of the lenders and sends each investor one check and an accounting of the funds. The FTA charges the investor a one-time set-up fee of 1/16% of the guaranteed principal amount being purchased and a 1/8% annual fee on the outstanding guaranteed principal balance for collection, accounting and other services.

The FTA serves as a centralized, computerized recordkeeping facility for SBA. Therefore, if a loan is sold using Form 1086, SBA has access to on-line information regarding the owner of the loan, terms of the sale, accounting of the payment flow, etc. These records are used to develop aggregate data for policy analysis.

There is no comparable facility for loans sold using SBA Form 1084. When a lender uses Form 1084, it transmits the loan document package to the investor. On resales, SBA depends on transferees to notify the Agency of the change in ownership of a particular loan. The local SBA office maintains a non-computerized record in the loan file of each 1084 sale. Sales evidenced by Form 1084 are logged and reported for manual accumulation and sales report preparation. Access to individual transaction data requires a manual search of a paper file. There is minimal aggregate data available on the terms of sales. This manual system is not as efficient as the information retrieval and tracking capabilities inherent in the computerized facility provided by the FTA. SBA's management capability to closely monitor sales in the secondary market is therefore limited.

A recent GAO report (GAO/RCED) 83-96, SBA's 7(a) Loan Guarantee Program: An Assessment of Its Role in the Financial Market) stated the following as one of its recommendations:

—Develop better procedures for keeping records of secondary market transactions, including service fees and prices paid by investors for loans. The Administrator should determine whether improved recordkeeping controls could be accomplished more efficiently by internal changes in SBA's procedures or by using the services of the FTA for all loans sold in the secondary market.

Due to the declining level of resources available to SBA, the Agency has determined that the most efficient way to address the recordkeeping problem and implement secondary market policy decisions is to require the use of Form 1086. With over four years of SBA experience, the FTA has a tested and operating system that is capable of handling the entire volume of the secondary market. SBA has decided that changing internal procedures and continuing to operate a parallel system would not be efficient and would not satisfy the recommendation of the GAO.

In a recent meeting with several major brokerage companies, SBA was advised that if it increased the amount of administrative control by requiring the use of the FTA, several advantages should accrue: (1) Greater stability in the secondary market; (2) increased liquidity providing additional capital to small business; (3) increased participation by large, institutional investors; and (4) decreased interest cost to SBA borrowers.

For the reasons cited above, SBA is proposing this regulation to mandate the use of SBA Form 1086 for all secondary market sales.

For purposes of the Regulatory Flexibility Act, this proposed rule, if promulgated in final form, will not have a significant economic impact on a substantial number of small business concerns. It is merely procedural in nature and will not have a substantive effect on any borrowers, participating lenders or SBA.

In addition, this rule, if published in final form, is a procedural rule for the purposes of E.O. 12291. Therefore, no economic analysis is required by that Executive Order.

Reporting or recordkeeping requirements (SBA Form 1086) contained in this proposed rule have been submitted to the OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980.

List of Subjects in 13 CFR Part 120

Loan programs—business, Small businesses.

PART 120—[AMENDED]

Accordingly, pursuant to the authority in section 5(b)(6) of the Small Business Act (15 U.S.C. 631 et seq.), Part 120, Chapter I, Title 13, Code of Federal Regulations, would be amended by revising § 120.5(a)(3) to read as follows:

§ 120.5 Operations of Eligible Participants.

(a) *General.* * * *

(3) *Sale or transfer of the guaranteed portion.* In addition to assignments of an SBA guaranteed loan as provided in SBA Form 750, Loan Guaranty Agreement, a lender may transfer the entire guaranteed portion only using (after four (4) months from promulgation of the final rule) SBA Form 1086, Secondary Participation Guaranty and Certification Agreement, in which the lender and SBA agree to the repurchase of the guaranteed portion as provided in such agreement; *provided however,* that prior to the execution thereof:

(i) The duly executed note and settlement sheet(s) underlying the transaction, and such other documents as SBA may expressly require have been submitted by the lender to SBA;

(ii) All fees, including fees to agents (as defined in § 103.13-2 of this chapter) paid or to be paid by the borrower in connection with the loan have been approved by SBA;

(iii) The full amount of the loan has been disbursed by the lender to the borrower;

(iv) All loan guaranty fees have been paid in full; and

(v) The terms of the sale do not obligate the lender or SBA to repurchase

under circumstances other than those provided for in such agreement.

Execution of the secondary participation agreement by SBA shall not relieve any lender of the obligation of compliance with all legal requirements relating to the sale or other transfer of securities, including (but not limited to) the statutes administered by the Securities and Exchange Commission and "Blue Sky" laws.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: May 18, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-17559 Filed 6-29-84; 8:45 am]

BILLING CODE 8025-01-M

13 CFR Part 136

Enforcement of Nondiscrimination on the Basis of Handicap in Small Business Administration Programs

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Small Business Administration (SBA).

DATES: To be assured of consideration, comments must be in writing and must be received on or before October 30, 1984. Comments should refer to specific sections in the regulation.

ADDRESSES: Comments should be sent to: Adelino Sanchez, Chief, Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW. Rm 501, Washington, DC 20416.

Comments received will be available for public inspection in Rm. 501, 1441 L St., NW., Washington, DC, from 8:30 a.m. to 5:00 p.m. Copies of this notice are available on tape for those with impaired vision. they may be obtained at the above address.

FOR FURTHER INFORMATION CONTACT: Adelino Sanchex, Chief, Office of Civil Rights Compliance, TDD (202) 653-6579 (202) 653-6054 (These are not toll free numbers).

SUPPLEMENTARY INFORMATION:

Background

The purpose of this proposed rule is to provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), as it applies to programs and activities conducted by the Small Business Administration (SBA). As amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (section 119, Pub. L. 95-602, 92 Stat. 2982), section 504 of the Rehabilitation Act of 1973 states that

> No otherwise qualified handicapped individual in the United States, * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance *or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.*

(29 U.S.C. 794) (amendment italicized).

The substantive nondiscrimination obligations of the agency, as set forth in this proposed rule, are identical, for the most part, to those established by Federal regulations for programs or activities receiving Federal financial assistance. See 28 CFR Part 41 (section 504 coordination regulation for federally assisted programs). This general parallelism is in accord with the intent expressed by supporters of the 1978 amendment in floor debate, including its sponsor, Rep. James M. Jeffords, that the Federal Government shall have the same section 504 obligations as recipients of Federal financial assistance. 124 Cong. Rec. 13,901 (1978) (remarks of Rep. Jeffords); 124 Cong. Rec. E2668, E2670 (daily ed. May 17 1978) *id.*; 124 Cong. Rec. 13, 897 (remarks of Rep. Brandemas); *id.* at 38,552 (remarks of Rep. Sarasin).

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR 1980 Comp., p. 298) and distributed to Executive agencies on April 15, 1983.

This regulation has also been reviewed by the Equal Employment Opportunity Commission under Executive Order 12067 (43 FR 28967 3 CFR 1978, Comp., p. 206.

It is not a major rule within the meaning of Executive Order 12291 (46 FR 12193, 3 CFR 1981, Comp., p. 127) and, therefore, a regulatory impact analysis has not been prepared.

This regulation does not have an impact on small entities. It is not, therefore, subject to the Regulatory Flexibility Act (5 U.S.C. 601-612).

This rulemaking contains no reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

Section-by-Section Analysis

Section 136.101 Purpose

Section 136.101 states the purpose of the proposed rule, which is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

Section 136.102 Application

The proposed regulation applies to all programs or activities conducted by the agency.

Section 136.103 Definitions

"Agency." For purposes of this regulation "agency" means the Small Business Administration.

"Assistant Attorney General." "Assistant Attorney General" refers to the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids." "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of the agency's programs or activities. The definition provides examples of commonly used auxiliary aids.

Although auxiliary aids are required explicitly only by § 136.160(A)(1), they may also be necessary to meet other requirements of the regulation.

"Complete complaint." The definition of "complete complaint" enables the agency to determine the beginning of its obligation to investigate a complaint (see § 136.170(d)).

"Facility." The definition of "facility" is similar to that in the section 504 coordination regulation for federally assisted programs, 28 CFR 41.3(f), except that the term "rolling stock or other conveyances" has been added and the phrase "or interest in such property" has been deleted to clarify its coverage. The phrase, "or interest in such property," is deleted, because the term "facility," as used in this regulation, refers to structures and not to intangible property rights. It should however, be noted that the regulation applies to all programs and activities conducted by the agency

regardless of whether the facility in which they are conducted is owned, leased, or used on some other basis by the agency. The term "facility" is used in § 136.150 and § 136.170(f).

"Handicapped person." The definition of "handicapped person" is identical to the definition appearing in the section 504 coordination regulation for federally assisted programs (28 CFR 41.31). In the interest of brevity, examples of handicapping conditions appearing under the term "physical or mental impairment" are deleted.

"Qualified handicapped person." The definition of "qualified handicapped person" is a revised version of the definition appearing in the section 504 coordination regulation for federally assisted programs (28 CFR 41.32).

Subparagraph (1) deviates from existing regulations for federally assisted programs because of intervening court decisions. It defines "qualified handicapped person" with regard to any program under which a person is required to perform services or to achieve a level of accomplishments. In such programs a qualified handicapped person is one who can achieve the purpose of the program without modifications in the program that would result in a fundamental alteration in its nature. This definition reflects the decision of the Supreme Court in *Southeastern Community College* v. *Davis,* 442 U.S. 397 (1979). In that case, the Court rules that a hearing-impaired applicant to a nursing shcool was not a "qualified handicapped person" because her hearing impairment would prevent her from participating in the clinical training portion of the program. Ther Court found that, if the program were modified so as to enable the respondent to participate (by exempting her from the clinical training requirements), "she would not receive even a rough equivalent of the training a nursing program normally gives." *Id.* at 410. It also found that "the purpose of the program was to train persons who could serve the nursing profession in all customary ways," *id.* at 413, and that the respondent would be unable, because of her hearing impairment, to perform some functions expected of a registered nurse. It therefore concluded that the school was not required by section 504 to make such modifications that would result in "a fundamental alteration in the nature of the program." *Id. at 410.*

We have incorporated the Court's language in the definition of "qualified handicapped person" in order to make clear that such a person must be able to participate in the program offered by the agency. the agency is required to make modifications in order to enable a handicapped applicant to participate, but is not required to offer a program of a fundamentally different nature. The test is whether, with appropriate modifications, the applicant can achieve the purpose of the program offered; not whether the applicant could benefit or obtain results from some other program that the agency does not offer. Although the revised definition allows exclusion of some handicapped people from some programs, it requires that a handicapped person who is capable of achieving the purpose of the program must be accommodated, provided that the modifications do not fundamentally alter the nature of the program.

We encourage comment on paragraph (2). The language we have proposed comes directly from the Supreme Court's interpretation of section 504. However, so long as the definition of "qualified handicapped person" remains faithful to the statute and current case law, we are receptive to alternative language.

For programs or activities that do not fall under the first subparagraph, subparagraph (2) adopts the existing definition of "qualified handicapped person" with respect to services (28 CFR 41.32(b)) in the coordination regulation for programs receiving Federal financial assistance. Under this definition, a qualified handicapped person is a handicapped person who meets the essential eligibility requirements for participation in the program or activity.

"Section 504." This definition makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the agency and not to programs or activities to which it provides Federal financial assistance.

Section 136.110 Self-evaluation

The agency shall conduct a self-evaluation of its compliance with section 504 within 1 year of the effective date of this regulation. The process shall include consultation with interested persons, including consultation with handicapped persons or organizations representing handicapped persons. The Department of Justice is considering whether and to what degree the Federal Advisory Committee Act (5 U.S.C. app.) is applicable to the proposed consultation requirement. The self-evaluation requirement is present in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.5(b)(2)). Experience has demonstrated the self-evalutaion process to be a valuable means of establishing a working relationship with handicapped persons that promotes both effective and efficient implementation of section 504.

Section 136.111 Notice

Section 136.111 requires the agency to disseminate sufficient information to employees, applicants, participants, beneficiaries, and other interested persons to apprise them of rights and protections afforded by section 504 and this regulation. Methods of providing this information include, for example, the publication of information in handbooks, manuals, and pamphlets that are distributed to the public to describe the agency's programs and activities; the display of informative posters in service centers and other public places; or the broadcast of information by television or radio.

Section 136.130 General prohibitions against discrimination

Section 136.130 is an adaptation of the corresponding section of the section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.51).

Paragraph (a) restates the nondiscrimination mandate of section 504. The remaining paragraphs in § 136.130 establish the general principles for analyzing whether any particular action of the agency violates this mandate. These principles serve as the analytical foundation for the remaining sections of the regulation. Whenever the agency has violated a provision in any of the subsequent sections, it has also violated one of the general prohibitions found in § 136.130. When there is no applicable subsequent provision, the general prohibitions stated in this section apply.

Paragraph (b) prohibits overt denials of equal treatment of handicapped persons. The agency may not refuse to provide a handicapped person with an equal opportunity to participate in or benefit from its program simply because the person is handicapped. Such blatantly exclusionary practices often result from the use of irrebuttable presumptions that absolutely exclude certain classes of disabled persons (e.g., epileptics, hearing-impaired persons, persons with heart ailments) from participation in programs or activities without regard to an individual's actual ability to participate. Use of an irrebuttable presumption is permissible only when in all cases a physical condition by its very nature would prevent an individual from meeting the essential eligibility requirements for participation in the activity in question.

Section 504, however, prohibits more than just the most obvious denials of

equal treatment. It is not enough to admit persons in wheelchairs a to program if the facilities in which the program is conducted are inaccessible. Subparagraph (b)(3), therefore, requires that the opportunity to participate or benefit afforded to a handicapped person be as effective as that afforded to others. The later sections on program accessibility (§§ 136.150–136.151) and communications (§ 136.160) are specific applications of this principle.

Despite the mandate of paragraph (i) that the agency administer its programs and activities in the most integrated setting appropriate to the needs of qualified persons, subparagraph (b)(4), in conjunction with paragraph (i), permits the agency to develop separate or different aids, benefits, or services when necessary to provide handicapped persons with an equal opportunity to participate in or benefit from the agency's programs or activities. Subparagraph (b)(4) requires that different or separate aids, benefits, or services be provided only when necessary to ensure that the aids, benefits, or services are as effective as those provided to others. Even when separate or different aids, benefits, or services would be more effective, paragraph (c) provides that a qualified handicapped person still has the right to choose to participate in the program that is not designed to accommodate handicapped persons.

Subparagraph (b)(5) prohibits the agency from denying a qualified handicapped person the opportunity to participate as a member of a planning or advisory board.

Subparagraph (b)(6) prohibits the agency from limiting a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid; benefit, or service.

Subparagraph (d) prohibits the agency from utilizing criteria or methods of administration that deny handicapped persons access to the agency's programs or activities. The phrase "criteria or methods of administration" refers to official written agency policies and the actual practices of the agency. This subparagraph prohibits both blatantly exclusionary policies or practices and nonessential policies and practices that are neutral on their face, but deny handicapped persons an effective opportunity to participate.

Subparagraph (e) specifically applies the prohibition enunciated in § 136.130(d) to the process of selecting sites for construction of new facilities or existing facilities to be used by the agency. Subparagraph (e) does not apply to construction of additional buildings at an existing site.

Subparagraph (f) prohibits the agency, in the selection of procurement contractors, from using criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

Subparagraph (g) prohibits the agency from discriminating against qualified handicapped persons on the basis of handicap in the granting of licenses or certification. A person is a "qualified handicapped person" with respect to licensing or certification, if he or she can meet the essential eligibility requirements for receiving the license or certification (*see* § 136.103).

In addition, the agency may not establish requirements for the programs or activities of licensees or certified entities that subject qualified handicapped persons to discrimination on the basis of handicap.

Subparagraph (g) does not extend section 504 directly to the programs or activities of licensees or certified entities themselves. The programs or activities of Federal licensees or certified entities are not themselves federally conducted programs or activities nor are they programs or activities receiving Federal financial assistance merely by virtue of the Federal license or certificate. However, as noted above, section 504 may affect the content of the rules established by the agency for the operation of the programs or activity of the licensee or certified entity, and thereby indirectly affect limited aspects of their operations.

Paragraph (h) provides that programs conducted pursuant to Federal statute or Executive Order that are designed to benefit only handicapped persons or a given class of handicapped persons may be limited to those handicapped persons.

Section 136.140 Employment

Section 136.140 prohibits discrimination on the basis of handicap in employment by Executive agencies. This regulation is in accord with a decision of the Fifth Circuit that holds that despite the resulting overlap of coverage with section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), Congress intended section 504 to cover the employment practices of Executive agencies. The court also held that in order to give effect to both section 504 and section 501, the administrative procedures of section 501 must be followed in processing 504 complaints. *Prewitt* v. *United States Postal Service*, 662 F.2d 292 (5th Cir. 1981).

Consistent with that decision, this section provides that the standards, requirements and procedures of section 501 of the Rehabilitation Act, as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1613, shall be those applicable to employment in federally conducted programs or activities. In addition to this § 136.170(b) of this regulation specifies that the agency will use the existing EEOC procedures to resolve allegations of employment discrimination. Responsibility for coordinating enforcement of Federal laws prohibiting discrimination in employment is assigned to the EEOC by Executive Order 12067 (3 CFR 1978 Comp., p. 206). Under this authority, the EEOC establishes government-wide standards on nondiscrimination in employment on the basis of handicap.

Section 136.149 Program accessibility: Discrimination prohibited

Section 136.149 states the general nondiscrimination principle underlying the program accessibility requirements of sections 150 and 151.

Section 136.150 Program accessibility: Existing facilities

This regulation adopts the program accessibility concept found in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.56–41.58), with certain modifications. Thus, § 136.150 requires that the agency's program or activity, when viewed in its entirety, be readily accessible to and usable by handicapped persons. The regulation also makes clear that the agency is not required to make each of its existing facilities accessible (§ 136.150(a)(1)). However, § 136.150, unlike 28 CFR 41.56–41.57 places explicit limits on the agency's obligation to ensure program accessibility (§ 136.150(a)(2)).

Subparagraph (a)(2) generally codifies recent case law that defines the scope of the agency's obligation to ensure program accessibility. This subparagraph provides that in meeting the program accessibility requirement the agency is not required to take any action that would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. A similar limitation is provided in § 136.160(e). This provision is based on the Supreme Court's holding in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), that section 504 does not require program

modifications that result in a fundamental alteration in the nature of a program, and on the Court's statement that section 504 does not require modifications that would result in "undue financial and administrative burdens." 442 U.S. at 412. Since *Davis*, circuit courts have applied this limitation on a showing that only one of the two "undue burdens" would be created as a result of the modification sought to be imposed under section 504. *See, e.g., Dopico* v. *Goldschmidt*, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis (APTA)*, 655 F.2d 1272 (D.C. Cir. 1981). Thus, in *APTA* the United States Court of Appeals for the District of Columbia Circuit applied the *Davis* language and invalidated the section 504 regulations of the Department of Transportation. The Court in *APTA* noted "that at some point a transit system's refusal to take modest, affirmative steps to accommodate handicapped persons might well violate section 504. But DOT's rules do not mandate only modest expenditures. The regulations require extensive modifications of existing systems and impose extremely heavy financial burdens on local transit authorities." 655 F.2d at 1278.

The inclusion of subparagraph (a)(2) is an effort to conform the agency's regulation implementing section 504 to the Supreme Court's interpretation of the statute in *Davis* as well as to the decision of lower courts following the *Davis* opinion. This subparagraph acknowledges, in light of recent case law, that in some situations, certain accommodations for a handicapped person may so alter an agency's program or activity, or entail such extensive costs and administrative burdens that the refusal to undertake the accommodations is not discriminatory. The failure to include such a provision could lead to judicial invalidation of the regulation or reversal of a particular enforcement action taken pursuant to the regulation.

This subparagraph, however, does not establish an absolute defense; it does not relieve the agency of all obligations to handicapped persons. Although the agency is not required to take actions that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, it nevertheless must take any other steps necessary to ensure that handicapped persons receive the benefits and services of the federally conducted program or activity.

It is our view that compliance with section 150(a) would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administrative burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with section 150(a) would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burdens rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the agency head and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person who believes that he or she or any specific class or persons has been injured by the agency head's decision or failure to make a decision may file a complaint under the compliance procedures established in section 170.

Subparagraph (b) sets forth a number of means by which program accessibility may be achieved, including redesign of equipment, reassignment of services to accessible buildings, and provision of aides. In choosing among methods, the agency shall give priority consideration to those that will be consistent with provision of services in the most integrated setting appropriate to the needs of handicapped persons. Structural changes in existing facilities are required only when there is no other feasible way to make the agency's program accessible. The agency may comply with the program accessibility requirement by delivering services at alternate accessible sites or making home visits as appropriate.

Paragraphs (c) and (d) establish time periods for complying with the program accessibility requirement. As currently required for federally assisted programs by 28 CFR 41.57(b), the agency must make any necessary structural changes in facilities as soon as practicable, but in no event later than 3 years after the effective date of this regulation. Where structural modifications are required, a transition plan shall be developed within 6 months of the effective date of this regulation. Aside from structural changes, all other necessary steps to achieve compliance shall be taken within 60 days.

The Department of Justice is considering whether and to what degree the Federal Advisory Committee Act (5 U.S.C. app.) is applicable to the proposed consultation requirement included in section 150(d).

Section 136.151 Program accessibility: New construction and alterations

Overlapping coverage exists with respect to new construction under section 504, section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). Section 136.151 provides that those buildings that are constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered to be readily accessible to and usable by handicapped persons in accordance with 41 CFR 101–19.600 to 101–19.607 This standard was promulgated pursuant to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). We believe that it is appropriate to adopt the existing Architectural Barriers Act standard for section 504 compliance because new and altered buildings subject to this regulation are also subject to the Architectural Barriers Act and because adoption of the standard will avoid duplicative and possibly inconsistent standards.

Existing buildings leased by the agency after the effective date of this regulation are not required to meet the new construction standard. They are subject, however, to the requirements of § 136.150.

Section 136.160 Communications

Section 136.160 requires the agency to take appropriate steps to ensure effective communication with personnel of other Federal entities, applicants, participants, and members of the public. These steps shall include procedures for determining when auxiliary aids are necessary under § 136.160(a)(1) to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, the agency's program or activity. They shall also include an opportunity for handicapped persons to request the auxiliary aids of their choice. This expressed choice shall be given primary consideration by the agency (§ 136.160(a)(1)(i)). The agency shall honor the choice unless it can demonstrate that another effective means of communication exists or that use of the means chosen would not be required under § 136.160(e). That paragraph limits the obligation of the agency to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting it (*see supra* preamble § 136.150(a)(3)). Unless not required by § 136.160(e), the agency shall provide auxiliary aids at no cost to the handicapped person.

It is our view that compliance with section 160 would in most cases not result in undue financial and administrative burdens on the agency. In determining whether financial and administrative burdens are undue, all agency resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with section 160 would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burden rests with the agency. The decision that compliance would result in such alteration or burdens must be made by the agency head and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person who believes that he or she or any specific class of persons has been injured by the agency head's decision or failure to make a decision may file a complaint under the compliance procedures established in section 170.

In some circumstances, a note pad and written materials may be sufficient to permit effective communication with a hearing-impaired person. In many circumstances, however, they may not be, particularly where the hearing-impaired applicant or participant is not skilled in spoken or written language. Then, a sign language interpreter may be appropriate. For vision-impaired persons, effective communication might be achieved by several means, including readers and audio recordings. In general, the agency intends to make clear to the public (1) the communications services it offers to afford handicapped persons an equal opportunity to participate in or benefit from its programs or activities, (2) the opportunity to request a particular mode of communication, and (3) the agency's preferences regarding auxiliary aids if it can demonstrate that several different modes are effective.

In connection with its obligation under section 504 to ensure effective communication, the agency has issued a policy statement on the provision of reading and interpretive services to handicapped persons in SBA programs. (See: Memorandum from the Acting Deputy Associate Administrator for Management Assistance to Regional Administrators and District Directors concerning Interpreters for the Deaf, dated October 25, 1982.) When deaf or blind persons seek counseling services, the SBA employee is to use individual judgment (within the provisions of § 136.160) to considering the use of an interpreter. It may not be necessary to use an interpreter if the client has one or two questions that could be answered through written communications. On the other hand, if extensive counseling appears to be necessary, thus requiring the use of an interpreter; an appointment should be set up with the client for a later time. With respect to training programs, all SBA offices should advertise through their traditional media that interpreter service will be provided at specified workships and classes upon request.

The agency shall ensure effective communication with vision-impaired and hearing-impaired persons involved in hearings conducted by the agency. Auxiliary aids must be afforded where necessary to ensure effective communication at the proceedings. If sign language interpreters are necessary, the agency may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature (§ 136.160(a)(1)(ii)). For example, the agency need not provide eye glasses or hearing aids to applicants or participants in its programs. Similarly, the regulation does not require the agency to provide wheelchairs to persons with mobility impairments.

Paragraph (b) requires the agency to provide information to handicapped persons concerning accessible services, activities, and facilities.

Paragraph (c) requires the agency to provide signage at inaccessible facilities that directs users to locations with information about accessible facilities.

Paragraph (d) requires the agency to take appropriate steps to ensure that information regarding section 504 rights and protections that is supplied to employees, applicants, participants, beneficiaries, and other interested persons under section 111 is effectively communicated to handicapped persons.

Section 136.170 Compliance procedures

Paragraph (a) specifies that paragraphs (c) through (1) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the agency will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

The agency is required to accept and investigate all complete complaints (§ 136.170(d)). If it determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant and make reasonable efforts to refer the complaint to the appropriate entity of the Federal government (§ 136.170(e)).

Paragraph (f) requires the agency to notify the Architectural and Transportation Barriers Compliance Board upon receipt of a complaint alleging that a building or facility subject to the Architectural Barriers Act or section 502 was designed, constructed, or altered in a manner that does not provide ready access and use to handicapped persons.

Paragraph (g) requires the agency to provide to the complainant, in writing, findings of fact and conclusions of law, the relief granted if noncompliance is found, and notice of the right to appeal. One appeal within the agency shall be provided (§ 136.170(i)). The appeal will not be heard by the same person who made the initial determination of compliance or noncompliance (§136.170(i)).

Paragraph (i) permits the agency to delegate its authority for investigating complaints to other Federal agencies. However the statutory obligation of the agency to make a final determination of compliance or noncompliance may not be delegated.

List of Subjects in 13 CFR Part 136

Blind, Civil rights, Deaf, Disabled, Discrimination against handicapped, Equal employment opportunity, Federal buildings and facilities, Handicapped, Nondiscrimiination, Physically handicapped.

For the reasons set forth in the preamble, 13 CFR Part 136 of the Code of Federal Regulations is proposed as follows:

James C. Sanders,

Administrator.

Part 136 is proposed to be added to read as follows:

PART 136—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE SMALL BUSINESS ADMINISTRATION

Sec.

Authority: 29 U.S.C. 794.

§ 136.101 Purpose.

The purpose of this part is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 136.102 Application.

This part applies to all programs or activities conducted by the agency.

§ 136.103 Definitions.

For purposes of this part, the term—

"Agency" means the Small Business Administration.

"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have and equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, interpreters, notetakers, written materials, and other similar services and devices.

"Complete complaint" means a written statement that contains the complainant's name and address and describes the agency's actions in sufficient detail to inform the agency of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

"Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(a) "Physical or mental impairment" includes—

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as or orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(b) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(c) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) "Is regarded as having an impairment" means—

(1) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes or others toward such impairment; or

(3) Has none of the impairments defined in subparagraph (1) of this definition but is treated by the agency as having such an impairment.

"Qualified handicapped person" means—

(a) With respect to any agency program or activity under which a person is required to perform services or to achieve a level of accomplishment, a handicapped person who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that would result in a fundamental alteration in its nature; and

(b) With respect to any other program or activity, a handicapped person who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity.

"Section 504" means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93–516, 88 Stat. 1617), and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602, 92 Stat. 2955). As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

§§ 136.104–136.109 [Reserved]

§ 136.110 Self-evaluation.

(a) The agency shall, within one year of the effective date of this part, evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall, for at least 3 years following completion of the evaluation required under paragraph (a) of this section, maintain on file and make available for public inspection—

(1) A list of the interested persons consulted;

(2) A description of areas examined and any problems identified; and

(3) A description of any modifications made.

§ 136.111 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the agency, and make such information available to them in such manner as the agency head finds necessary to apprise such persons of the protections against discrimination

assured them by section 504 and this regulation.

§§ 136.112–136.129 [Reserved]

§ 136.130 General prohibitions against discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(1) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(2) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(3) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(4) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons than is provided to others unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(5) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(6) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or services.

(c) The agency may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(d) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(1) Subject qualified handicapped persons to discrimination on the basis of handicap; or

(2) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to handicapped persons.

(e) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would:

(1) Exclude handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(2) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to handicapped persons.

(f) The agency, in the selection of procurement contractors, may not use criteria that subject qualified handicapped persons to discrimination on the basis of handicap.

(g) The agency may not administer a licensing or certification program in a manner that subjects qualified handicapped persons to discrimination on the basis of handicap, nor may the agency establish requirements for the programs or activities of licensees or certified entities that subject qualified handicapped persons to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the agency are not, themselves, covered by this part.

(h) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive Order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by Federal statute or Executive Order to a different class of handicapped persons is not prohibited by this part.

(i) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

§§ 136.131–136.139 [Reserved]

§ 136.140 Employment.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the agency.

(b) The definitions, requirements and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) as established in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities.

§§ 136.141–136.148 [Reserved]

§ 136.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in sections 150 and 151, no qualified handicapped person shall, because the agency's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 136.150 Program accessibility: Existing facilities.

(a) *General.* The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by handicapped persons; or

(2) Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with section 150(a) would result in such alterations or burdens. The decision that compliance would result in such alterations or burdens must be made by the agency head after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

(3) If an action would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) *Methods.* The agency may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by handicapped persons. The agency is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The agency, in making

alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the agency shall give priority to those methods that offer programs and activities to qualified handicapped persons in the most integrated setting appropriate.

(c) *Time period for compliance.* The agency shall comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to facilities will be undertaken to achieve program accessiblity, the agency shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the agency's facilities that limit the accessibility of its programs or activities to handicapped persons;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan; and

(5) Identify the persons or groups with whose assistance the plan was prepared.

§ 136.151 Program accessibility: New construction and alterations

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by handicapped persons. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151–4157), as established in 41 CFR 101–19.600—101–19.607 apply to buildings covered by this section.

§§136.152–136.159 [Reserved]

§ 136.160 Communications.

(a) The agency shall take appropriate steps to ensure effective communications with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The Agency shall furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency.

(i) In determining what type of auxiliary aid is necessary, the agency shall give primary consideration to the requests of the handicapped person.

(ii) The agency not provided individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD's) or equally effective telecommunication systems shall be used.

(b) The agency shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) The agency shall take appropriate steps to provide handicapped persons with information regarding their section 504 rights under the agency's programs or activities.

(e) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alternation in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with section 160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head after considerating all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

(f) If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

§§136.161–136.169 [Reserved]

§ 136.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Chief, Office of Civil Rights Compliance.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), or section 502 of the Rehabilitation Act of 1973, (29 U.S.C. 792), is not readily accessible and usable to handicapped persons.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing:

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by § 136.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Director, Office of Equal Employment Opportunity and Compliance.

(j) The agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the agency determines that it needs additional information from the complainant, it shall have 60 days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated.

§§ 136.171–136.999 [Reserved]

[FR Doc. 84–17560 Filed 6–29–84; 8:45 am]

BILLING CODE 6025–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–21090; File No. S7–787]

Designation of National Market System Securities

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period for proposed rule amendments.

SUMMARY: The Commission has extended from June 15, 1984 to July 16, 1984 the deadline for submitting comments on the amendments which the Commission proposed on April 30, 1984 to its rule governing the designation of securities qualified for trading in a National Market System.

DATE: Comments to be received by July 16, 1984.

ADDRESSES: All comments should be submitted in triplicate and addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. All comments should refer to File No. S7–787 and will be available for public inspection at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Andrew E. Feldman, (202) 272–2388, Room 5190, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission has extended from June 15, 1984 to July 16, 1984 the deadline for submitting comments on the amendments proposed by the Commission on April 30, 1984 to Rule 11Aa2–1 under the Securities Exchange Act of 1934,[1] which establishes procedures by which certain securities are designated as qualified for trading in the National Market System. The Commission has extended the deadline in order to afford an additional opportunity for public comment.

By the Commission.

Dated: June 22, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–17550 Filed 6–29–84; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Proposed Extension of the Port Limits of Gramercy, Louisiana

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to the Customs Service field organization by extending the geographical limits of the port of entry of Gramercy, Louisiana. The port limits would be slightly extended to include all of the Parishes of St. Charles, St. John the Baptist, and part of St. James Parish. Public comments are invited before a final document is published. The proposed extension is part of a continuing Customs program to secure the most economical use of personnel, facilities, and resources, and to provide better services to carriers, importers, and the public.

DATES: Comments must be received on or before August 31, 1984.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Richard Coleman, Office of Inspection, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8157).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, by notice published in the Federal Register on October 5, 1983 (48 FR 45409), Customs proposed to amend section 101.3(b), Customs Regulations (19 CFR 101.3(b)), by publishing the New Orleans Customs District port limits in one consolidated document.

The New Orleans Customs District includes some ports of entry that were established in the 1830's. The geographical limits for some of these ports are rather vague and refer to city limits which have changed. A review was recently completed by Customs officials of the port limits in the district. The three purposes for performing the review were to: (1) Identify what the present limits are; (2) redefine the limits in terms that will assure that any future changes will be within Customs, rather than local government controls; and (3) publish the new limits in one consolidated document so that persons doing business in the district would be relieved of the complicated legal research now necessary whenever port limits come into question.

One of the changes proposed was to extend the geographical limits of the port of entry of Gramercy, Louisiana. The only comment received in response to the notice of October 5, 1983, was from the South Louisiana Port Commission. The Commission requested an expansion of the Gramercy, Louisiana, port limits and asked that the port's name be changed to "Solaport" As explained in the final rule published

[1] *See* Securities Exchange Act Release No. 20902 (April 30, 1984), 49 FR 19314.

as T.D. 84–126, in the Federal Register on May 31, 1984 (49 FR 22629), all of the changes proposed in the notice of October 5, 1983, were adopted. Further, in response to the comment and after consideration of the matter, Customs decided to expand slightly the Gramercy port limits. Regarding the name change request, Customs believed that the official port name should remain Gramercy, as listed in the Customs Regulations and existing directories. Accordingly, the suggestion was not adopted.

It has now been determined that the slight extension of the Gramercy port limits may cause unexpected adverse implications on some concerns in the area. Since the extension was not described in the notice of October 5, 1983, the public was not provided an opportunity to comment on the change to Gramercy. Therefore, Customs indefinitely delayed the effective date of the extension of the Gramercy port limits by another document published in the final rules section of this issue of the Federal Register. The port limits of Gramercy will remain as established by T.D. 82–93, published in the Federal Register on May 17 1982 (47 FR 21039). Before making any changes in the established port limits, Customs invites written comments on the proposed new geographical boundaries.

Gramercy, Louisiana

The geographical limits of the Customs port of entry of Gramercy, Louisiana, as established by T.D. 82–93, published in the Federal Register on May 17 1982 (47 FR 21039), comprise that portion of the Parishes of St. Charles, St. John the Baptist, and St. James, lying within the area bounded on the East where the longitudinal line of 90°27'30" W intersects on the North at the latitudinal line of 30°06' N and intersects on the South at the latitudinal line of 29°57' N, and bounded on the West where the longitudinal line of 90°54' W intersects on the North at the latitudinal line of 30°06' N and intersects on the South at the latitudinal line of 29°57' N, all in the State of Louisiana.

It is proposed to extend the port limits to include all of the Parishes to St. Charles, St. John the Baptist, and that part of St. James Parish lying east of longitudinal line 90°54'

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be availabe for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552) and § 1.6 of the Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

Authority

These changes are proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2) and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17 1951 (3 CFR 1949–1953 Comp. Ch. II) and pursuant to authority provided by Treasury Department Order No. 101–5 (47 FR 2449).

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Imports, Organization and (Government Agencies).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal. Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although these changes may have a limited effect upon some small entities in the area affected, they are not expected to be significant because similar changes regarding Customs ports of entry in other locations have not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Regulatory Flexibility Act. Accordingly, it is certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the change, if adopted, will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: June 28, 1984.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 84-17653 Filed 6-29-84; 8:45 am]

BILLING CODE 4820-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-FRL-2617-8]

Approval and Promulgation of Implementation Plans; Massachusetts; Control of Volatile Organic Compound Leaks From Gasoline Tank Trucks and Vapor Collection Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan revision submitted by the Commonwealth of Massachusetts. This revision will reduce volatile organic compound emissions from gasoline tank trucks. The intended effect of this action is to aid the State in its reasonable further progress towards attainment of the ozone standard as required under Part D of the Clean Air Act.

DATES: Comments must be received on or before August 1, 1984. Public comments on this document are requested and will be considered before taking final action on these SIP revisions.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, JFK Federal Bldg., Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the Department of Environmental Quality Engineering, Divison of Air Quality Control, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene, (617) 223–5133.

SUPPLEMENTARY INFORMATION: On March 24, 1984, the Massachusetts Department of Environmental Quality Engineering (DEQE) submitted a revision to its ozone State Implementation Plan (SIP). This revision, 310 CMR 7.02(12) (a)6 and (c), adds the control of volatile organic compounds (VOC) from gasoline tank trucks and vapor recovery systems to the SIP The regulation requires that each gasoline tank truck be annually tested for leak tightness and that vapor recovery systems be properly designed and operated. Annual testing of the gasoline tank trucks for leak tightness certification will begin in March of 1985. The certification time period will be from March to June of each year. An

annual report will be due by February 15 of each year and will cover gasoline tank truck deliveries and pick ups of motor vehicle fuel for the previous year, January 1 to December 31. No gasoline tank truck will be allowed to fill up with motor vehicle fuel unless it carries a certification of leak tightness.

The regulations does not, however, specify the training and equipment needed for self-certification test methods nor the monitoring procedures to be used. Massachusetts and the Northeast States for Coordinated Air Use Management (NESCAUM) are currently developing a training and self-certification manual that will be submitted with the final regulations and consistent with EPA guidance.

In the 1982 SIP, the DEQE committed to develop a regulation by June 1, 1983. A March 21, 1983 letter from Ken Hagg changed that commitment to a public hearing by October 1, 1983. This SIP revision changes the public hearing commitment to the week of April 23, 1984. Leak tightness testing will begin on March 1, 1985.

Background

In the February 8, 1982 Federal Register (47 FR 5730) EPA proposed to take no action on the lack of a gasoline tank truck regulation and committed to continue to work with NESCAUM to develop a regionally consistent regulation. Since there is considerable interstate transport of gasoline, the NESCAUM states developed one regulation strategy for Massachusetts, Connecticut and New York. Therefore, Massachusetts will recognize Connecticut's and New York's gasoline tank truck leak tightness certifications as equivalent to their own.

EPA is proposing to approve the Massachusetts State Implementation Plan Revision for gasoline tank trucks and vapor collection systems, that was submitted on March 24, 1984, and is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This revision is being proposed under a procedure called "parallel processing" (47 CFR 27073). If the proposed revision is substantially changed, in areas other than those identified in this notice, EPA will evaluate those changes and may publish a revised NPR. If no substantial changes are made other than those areas cited in this notice, EPA will publish a Final Rulemaking Notice on the revision. The final rulemaking action by EPA will occur only after Massachusetts has adopted the SIP revision and submitted it to EPA for incorporation into the SIP. "Parallel processing," it is estimated, will reduce the time necessary for final approval of these SIP revisions by 3 to 4 months.

Proposed Action

EPA is proposing to approve the SIP revision to 310 CMR 7.012(12) (a)6 and (c) with the understanding that the final submittal will include: (1) The training program and equipment needed for self-certification, and (2) specify the test methods and monitoring procedures to be used to determine compliance. These must be consistent with EPA policy.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: May 1, 1984.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 84-17390 Filed 6-29-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[OAR-FRL-2617-2; Region II, Docket No. 32]

Approval and Promulgation of Implementation Plans; Puerto Rico, Lead Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes Environmental Protection Agency approval of a draft of the Commonwealth of Puerto Rico Implementation Plan for the islandwide attainment and maintenance of the national ambient air quality standards for lead. The Commonwealth of Puerto Rico has submitted this plan as required by Section 110 of the Clean Air Act and an October 5, 1978 Federal Register notice (43 FR 46246) promulgating the lead standard.

A public hearing on this proposal was recently held by the Puerto Rico Environmental Quality Board. Concurrently, EPA is proposing to approve the plan of the Commonwealth of Puerto Rico contingent upon final adoption by the Commonwealth of its proposal in a substantially unchanged form. This concurrent review, which EPA refers to as "parallel processing" is designed to expedite EPA action on plan revisions.

DATES: Interested persons are invited to submit comments on this proposed action on or before August 1, 1984.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

Copies of the proposed implementation plan are available for public inspection during normal business hours at:

Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278

Commonwealth of Puerto Rico, Environmental Quality Board, 204 Del Parque Street, Santurce, Puerto Rico 00910

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York, 10278, (212) 264-2517

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978 (43 FR 46246) the Environmental Protection Agency (EPA) promulgated at 40 CFR 50.12 national ambient air quality standards for lead. Both the primary and secondary standards were set at a maximum arithmetic mean concentration of 1.5 micrograms per cubic meter of air ($\mu g/m^3$) averaged over a calendar quarter. As required by Section 110 of the Clean Air Act and the October 5, 1978 promulgation, the Commonwealth of Puerto Rico is required to submit to EPA an implementation plan to provide for attainment and maintenance of the lead standards. On March 16, 1984 the Commonwealth of Puerto Rico submitted a draft plan. A public hearing on this draft plan was held by Puerto Rico on June 6, 1984.

The general requirements for the contents of implementation plans are contained in Section 110 of the Clean Air Act and in EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a lead plan are contained in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, an air quality modeling demonstration, control strategies for each area exceeding standards, a demonstration that the standards will be attained within the time frame specified by the Clean Air Act, and provisions for the review of new or modified lead sources for the purpose of maintaining the standards once they are attained. EPA has evaluated the draft Puerto Rico plan by comparing it to these requirements for approval.

II. Results of EPA Review

Today's Federal Register notice provides the results of EPA's review of the March 16, 1984 draft Puerto Rico lead plan. This information is presented under the following five headings:

A. Emission Data
B. Air Quality Data and Monitoring System
C. Demonstration of Attainment
D. Control Measures
E. New Source Review

More detailed information concerning EPA's review of this plan is contained in a Technical Support Document to today's proposal. This document is available for public inspection at the locations identified in the "ADDRESSES" section of today's notice.

A. Emission Data

The plan must contain a summary of the baseline and future year emission inventories. It must also identify all sources emitting five or more tons per year of lead.

The draft plan presents inventories of lead emissions for the San Juan metropolitan area and the remainder of the Commonwealth. These are provided for the years 1979, 1986, and 1990. There are no stationary sources in the Commonwealth with actual lead emissions equal to or greater than five tons per year. Consequently, all stationary sources are included in the inventory as area sources.

The primary source of lead emissions in Puerto Rico is motor vehicles. Motor vehicle emissions were estimated from current and projected gasoline sales and from EPA estimates of the current and projected amounts of lead in gasoline.

B. Air Quality Data and Air Quality Monitoring

The plan must contain air quality data collected since January 1, 1978. The plan must also provide for the establishment of an air quality monitoring network for lead that contains at least two properly sited permanent monitors in each urbanized area; at least one must be at a roadway-type site and at least one at a neighborhood site.

The only urbanized area in the Commonwealth is the San Juan metropolitan area. There are three lead monitoring sites in this area, two roadway-type sites and one neighborhood site. These sites are part of the National Air Monitoring System (NAMS) and EPA has approved these sites under 40 CFR Part 58. Further information on these sites is available at the EPA regional office and the Environmental Quality Board office.

C. Demonstration of Attainment

The plan must contain a demonstration that the lead standards will be attained and maintained. Specifically, the following types of areas, which are subject to maximum air quality impact, must be analyzed:

- Areas in the vicinity of significant point sources, and
- Any other area that, since January 1, 1978, has measured lead concentrations in excess of the standards.

As stated above, there are no significant point sources in the Commonwealth.

The plan identifies that the highest quarterly lead average measured in the San Juan metropolitan area was 3.59 $\mu g/m^3$ measured in 1979 at a monitoring site on Roosevelt Avenue. The attainment demonstration in the plan is based on the use of a modified rollback model for automotive emissions. It employed gasoline sales data and used 1979 as the base year. The rollback model demonstrates that the predicted maximum lead concentration for 1983 is 1.5 $\mu g/m^3$ and meets the standards for lead. Therefore, because lead emissions from mobile sources will continue to be reduced as a result of federal requirements related to lead in gasoline, the standards for lead are shown to be attained in 1983 and will continue to be maintained.

D. Control Measures

A lead plan must include the following:

- A description of each control measure that is incorporated into the plan.
- Copies of or citations to the enforceable laws and regulations necessary to implement the measures.
- A description of the administrative procedures to be used in implementing each control measure.
- A description of enforcement methods.

The Puerto Rico Implementation Plan identifies EPA's program to reduce the amount of lead in gasoline (as authorized under Section 211 of the Clean Air Act and set forth in 40 CFR 80.20) as a control measure for mobile sources.

E. New Source Review

The plan must contain a program for the review of new or modified major sources of lead. The new source review requirements for lead are:

- Review of all major sources of lead (sources having actual emissions greater than five tons/year).
- Review of all significant increases of lead at major stationary sources (potential emissions greater than 0.6 tons/year).
- Demonstration that the source does not interfer with the attainment or maintenance of national ambient air quality standards for lead.

Presently, the Puerto Rico Regulations for the Control of Atmospheric Pollution are undergoing revision. With regard to new and modified stationary sources of lead, the proposed revisions to Rule 102 as contained in the draft plan adequately address EPA requirements. EPA expects to be able to approve these regulations when they are formally adopted by the Commonwealth as part of the Implementation Plan.

III. EPA's Proposed Action

EPA's review of the material submitted by the EQB indicates that the Puerto Rico Implementation Plan will be approvable if it is not substantially changed from its presently proposed form. In the interest of expediting federal review, EAP is proposing approval of this plan now, before final submittal of the revision to EPA by the Commonwealth. EPA refers to this new procedure as "parallel processing." If the currently proposed plan is substantially altered as a result of the public review process, EPA will evaluate the approvability of the altered proposal and publish a revised notice of proposed rulemaking in the Federal Register. Alternatively, if it is determined based on public comment that substantial revision is not required, EPA will take final rulemaking action on today's proposal.

Interested persons are invited to comment on any element of the draft Puerto Rico Implementation Plan and on whether or not it meets the requirements of the Clean Air Act. Comments received on or before August 1, 1984 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, room 1005, New York, New York 10278.

The Administrator's final decision to approve or disapprove the Puerto Rico lead plan will be based on comments received and on a determination whether the plan meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subparts B and E.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Lists of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

(Secs. 110, 172, and 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: June 25, 1984.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 84-17394 Filed 6-29-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[OAR-FRL-2617-5; Region II Docket No. 33]

Approval and Promulgation of Implementation Plans; United States Virgin Islands, Lead Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes Environmental Protection Agency approval of a draft of the U.S. Virgin Islands Implementation Plan for the attainment and maintenance of the national ambient air quality standards for lead. The Government of the U.S. Virgin Islands has submitted this draft plan as required by Section 110 of the Clean Air Act and an October 5, 1978 Federal Register notice (43 FR 46246) promulgating the lead standard.

Public hearings on this proposal were recently held by the U.S. Virgin Isalnds Department of Conservation and Cultural Affairs. Concurrently, EPA is proposing to approve the plan of the Government of the U.S. Virgin Islands contingent upon final adoption by the Government of its proposal in a substantially unchanged form. This concurrent review, which EPA refers to as "parallel processing," is designed to expedite EPA action on SIP revisions.

DATES: Interested persons are invited to submit comments on this proposed action on or before August 1, 1984.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, Jacob K. Javits Federal Building, 26 Federal Plaza New York, New York 10278.

Copies of the proposed implementation plan are available for public inspection during normal business hours at:

Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Natural Resources Management, 179 Estate Altona and Welgunst, St. Thomas, Virgin Islands 00801

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Building 14F Apartment 111, Watergut Homes, Christiansted, St. Croix, Virgin Islands 00820

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264-2517

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978 (43 FR 46246), the Environmental Protection Agency (EPA) promulgated at 40 CFR 50.12 national ambient air quality standards for lead. Both the primary and secondary standards were set at a maximum arithmetic mean concentration of 1.5 micrograms per cubic meter of air ($\mu g/m^3$) averaged over a calendar quarter. As required by Section 110 of the Clean Air Act and the October 5, 1978 promulgation, the Government of the U.S. Virgin Islands is required to submit to EPA an implementation plan to provide for attainment and maintenance of the lead standards. On February 27 1984 such a plan was submitted by the Department of Conservation and Cultural Affairs (DCCA) of the Government of the U.S. Virgin Islands. Public hearings on this draft were held by the Virgin Islands on May 8, 1984 on St. Croix, May 16, 1984 on St. Thomas, and May 17 1984 on St. John.

The general requirements for the contents of implementation plans are contained in Section 110 of the Clean Air Act and in EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a lead plan are contained in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, an air quality modeling demonstration, control strategies for each area exceeding standards, a demonstration that the standards will be attained within the time frame specified by the Clean Air Act, and provisions for the review of new or modified lead sources for the purpose of maintaining the standards once they are attained. EPA has evaluated the draft U.S. Virgin Islands Implementation Plan by comparing it to these requirements for approval.

II. Results of EPA Review

Today's Federal Register notice provides the results of EPA's review of the February 27, 1984 draft U.S. Virgin Islands lead plan. This information is presented under the following five headings:

A. Emission Data
B. Air Quality Data and Monitoring System
C. Demonstration of Attainment
D. Control Measures
E. New Source Review

More detailed information concerning EPA's review of this plan is contained in a Technical Support Document to today's proposal. This document is available for public inspection at the locations identified in the "ADDRESSES" section of today's notice.

A. Emission Data

The plan must contain a summary of the baseline and future year emission inventories. It must also identify all sources emitting five or more tons per year of lead.

The draft Virgin Islands Implementation Plan presents inventories of 1982 lead emissions for the three islands of St. Thomas, St. Croix, and St. John. There are no stationary sources in the U.S. Virgin Islands with actual lead emissions equal to or greater than five tons per year.

The primary source of lead emissions in the U.S. Virgin Islands is motor vehicles. Motor vehicle emissions were

estimated from data supplied by the Virgin Islands Energy Office on gasoline sales and from EPA estimates of the current and projected amounts of lead in gasoline.

B. Air Quality Data and Air Quality Monitoring

The plan must contain air quality data collected since January 1, 1978. The plan must also provide for the establishment of an air quality monitoring network for lead that contains at least two properly sited permanent monitors in each urbanized area; at least one must be at a roadway-type site and at least one at a neighborhood site.

There are no urbanized areas with a population over 500,000 in the U.S. Virgin Islands so there are no requirements for monitoring. However, at various times between 1977 and 1981 lead monitoring has been conducted. No violations of the lead standard have ever been recorded.

C. Demonstration of Attainment

The plan must contain a demonstration that the lead standards will be attained and maintained. Specifically, the following types of areas, which are subject to maximum air quality impact, must be analyzed:

- areas in the vicinity of significant point sources, and
- any other area that, since January 1, 1978, has measured lead concentrations in excess of the standards.

As stated before, there are no significant point sources of lead in the U.S. Virgin Islands, and no measured violation of the lead standard.

The Virgin Islands Implementation Plan demonstrates attainment of the lead standards by examining traffic volumes and maximum measured lead concentrations at nine locations in New York, New Jersey, Pennsylvania, Rhode Island, and Puerto Rico, then comparing this information to traffic volumes on the Virgin Islands. Since all these locations have traffic volumes higher than the maximum observed in the U.S. Virgin Islands and attainment and maintenance of the lead standards has been demonstrated at these locations, the plan concludes that there will be no violations of the standards in the U.S. Virgin Islands.

D. Control Measure

A lead plan must include the following:

- A description of each control measure that is incorporated into the plan.
- Copies of or citations to the enforceable laws and regulations necessary to implement the measures.
- A description of the administrative procedures to be used in implementing each control measure.
- A description of enforcement methods.

The Virgin Islands Implementation Plan identifies EPA's program to reduce the amount of lead in gasoline (as authorized under Section 211 of the Clean Air Act) as a control measure for mobile sources.

E. New Source Review

The plan must contain a program for the review of new or modified major sources of lead.

The new source review requirements for lead include:

- Review of all major sources of lead (sources having actual emissions greater than five tons/year).
- Review of all significant increases of lead at major stationary sources (potential emissions greater than 0.6 tons/year).
- Demonstration that the source does not interfere with the attainment or maintenance of the national ambient air quality standards for lead.

Subchapter 208 of the U.S. Virgin Islands Air Pollution Control Regulations gives the Commissioner of DCCA the authority to review and regulate new sources of air contamination. Section 208–20 requires the issuance of a permit to operate any new or modified source. In addition, Section 208–25 states that no approval to construct or modify a stationary source be granted unless the applicant shows to the satisfaction of the Commissioner of DCCA or his designated representative that the stationary source will not prevent or interfere with attainment or maintenance of the national ambient air quality standards.

The DCCA, with EPA assistance, will review new sources of lead as part of this permitting process. This review will include any new source of lead which has projected emissions of more than five tons per year or any modification of an existing source which would result in increased emissions of more than 0.6 tons per year.

III. EPA's Proposed Action

EPA's review of the material submitted by the DCCA indicates that the U.S. Virgin Islands Implementation Plan will be approvable if it is not substantially changed from its presently proposed form. In the interest of expediting Federal review, EPA is proposing approval of this plan now, before final submittal of the revision to EPA by the Government. EPA refers to this new procedure as "parallel processing." If the plan currently proposed is substantially altered as a result of the public review process, EPA will evaluate the approvability of the altered proposal and publish a revised notice of proposed rulemaking in the Federal Register. Alternatively, if it is determined based on public comments that substantial revision is not required, EPA will take final rulemaking action on today's proposal.

Interested persons are invited to comment on any element of the draft U.S. Virgin Islands Implementation Plan and on whether or not it meets the requirements of the Clean Air Act. Comments received on or before August 1, 1934 will be considered in EPA's final decision. All comments received will be available for inspection at the Region II office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

The Administrator s final decision to approve or disapprove the U.S. Virgin Islands lead plan will be based on comments received and on a determination whether the plan meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subparts B and E.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Lists of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, and Intergovernmental relations.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: June 25, 1934.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 84-17303 Filed 6-29-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[OAR-FRL-2619-5]

Proposed Revision to the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted a Consent Order for the Westvaco Corporation Paper Mill

located in Luke, Maryland. The Consent Order establishes a revised sulfur dioxide (SO_2) emissions limitation for the mill. Although the revised SO_2 emissions limitation is less stringent than the currently approved SIP limitation, the State has adequately demonstrated that ambient SO_2 air quality standards will still be met. The State has also demonstrated that PSD increments in the four PSD areas where baseline has been triggered will not be consumed. However, EPA is soliciting public comment on the applicability of PSD relative to this emissions increase.

EPA is proposing approval of this Consent Order as a revision to the Maryland SIP as the State submittal meets all of the applicable requirements of the Clean Air Act and 40 CFR Part 51.

DATE: EPA must receive your comments on or before August 1, 1984. Please submit comments to: James E. Sydnor (3AM13), Chief, MD/VA/DC/DE Section, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

ADDRESSES: Copies of the State submittal and EPA's technical support document are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Management Division, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attn: Mrs. Patricia Gaughan

Maryland Air Management Administration, 201 West Preston Street, Baltimore, Md. 21201, Attn: George P Ferreri

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford (3AM13) at the aforementioned EPA Region III address. Phone 215/597-1325.

SUPPLEMENTARY INFORMATION:

Background

On September 8, 1983, the State of Maryland submitted a Consent Order for the Westvaco Corporation Paper Mill located in Luke, Maryland, and requested that it be reviewed and processed as a revision to the Maryland State Implementation Plan. The State certified that a public hearing was held in Cumberland, Maryland on August 31, 1983, in accordance with the requirements of 40 CFR 51.4. This Consent Order, which was further revised by Maryland on January 26, 1984 and submitted to EPA on February 7 1984, establishes a revised sulfur dioxide (SO_2) emissions limitation for the Luke Mill. Under the terms of the Order, SO_2 emissions from all fuel burning equipment may not exceed:

(a) 66 tons per day as calculated from midnight to midnight.

(b) For each three-hour period (calculated as block averages), a range of 9.4 tons at 50% buoyancy to 17.0 tons at 100% buoyancy, represented by a curve defined as follows:

$$Y = -16.0X^2 + 39.2X - 6.2$$

where

X= fractional plume buoyancy (0.5 to 1.0)

and

Y= emission limit (ton/3 hours)

For purposes of control and reporting, combined boiler load and buoyancy are considered directly proportional. Westvaco's SO_2 emissions are limited to 49 tons per day under the currently approved Maryland SIP EPA had approved this current SIP emissions limitation on April 25, 1980, 45 FR 27933. Maryland's recent SIP revision request for the Luke Mill culminates a series of actions undertaken by EPA, the State, and Westvaco since 1974. The April 25, 1980 notice provides a detailed background of the discussions and events that took place up until that time. The 1980 SIP revision was considered by EPA, Maryland, and Westvaco to be an interim SO_2 emissions limitation, pending the outcome of a two-year research program at Company expense. The purpose of the program, which included the extensive use of eleven ambient monitors and additional diffusion modeling, was to establish a permanent SO_2 limitation for the Luke Mill that would protect ambient SO_2 standards.

EPA compared the results of the Company's diffusion model, called the Luke Mill Model (LUMM), with the results of an EPA-guideline model, SHORTZ, which has been approved for rough-terrain areas such as that which exists in the vicinity of the Luke Mill.

Both models were examined under a protocol comparing and "ranking" the various components of each model. Under the protocol, the LUMM model was judged to be the more accurate in predicting ambient SO_2 concentrations in the Luke vicinity and therefore a better tool to establish a revised SO_2 emission limitation which EPA could approve as a plan revision. Based on the results of the LUMM model, EPA and the State of Maryland conclude that the aforementioned SO_2 emissions limitation for the Westvaco Paper Mill would not cause or contribute to ambient SO_2 violations. Eight continuous SO_2 monitors in West Virginia were used to validate the development and performance evaluation of the LUMM model. Although these monitors at times recorded levels above the SO_2 NAAQS, they do not represent ambient air, because they are located on Company-owned property to which the general public does not have access.

Therefore, the monitors used to validate the model are not being used to determine NAAQS attainment because they are no longer considered to be located in ambient air.

PSD Increment Consumption Analysis

The State submitted a Prevention of Significant Deterioration (PSD) increment consumption analysis for this SIP revision. The analysis is somewhat complex, as baseline has been triggered in two Class II areas and two Class I areas. This analysis, developed by Westvaco, indicates that the revised SO_2 emission limits will not violate the available annual, 24 hour or 3 hour SO_2 increments, even at full load, in any of the PSD areas where increment has been consumed.

Both the State of Maryland and Westvaco believe that the proposed SO_2 emissions limitation should be part of the baseline, rather than consume PSD increment. This contention is based on the fact that the currently proposed SIP revision is a continuation of a SIP revision request that was pending before the Agency when the first baseline impacted by the Westvaco mill was triggered in 1977 Although EPA has made no decision as to whether PSD increment consumption need be addressed, EPA is proposing approval of Maryland's analysis based on the fact that it represents a worst case analysis. However, EPA is also soliciting public comment on the applicability of PSD relative to this emission increase.

Stack Height Determination

The modeling discussion above is based on full stack height credit for the Westvaco Corporation's 600 foot stack. Tis credit is based on EPA's May 15, 1984 guidance entitled "Interim Policy on Stack Height SIP Actions," signed by Assistant Administrator Joseph A. Cannon. Under that guidance, EPA will consider SIP revisions containing emission limitations based on stack height credit under the Agency's existing stack height regulations. EPA's existing stack height regulations allow credit up to a maximum calculated by application of a specific formula. For the Westvaco Corporation's Luke, Maryland facility the appropriate formula is 2.5 times the height of nearby structures. *See* 40 CFR 51.1 (1983). Application of this formula allows a maximum of 575 feet of credit for this source. Although the formula

allows only a 575 foot credit, this SIP revision is based upon full credit for the actual stack height of 600 feet, due to the fact that the difference between formula credit and actual height in this case is insignificant for the purpose of establishing an emission limitation. This difference is explained in the technical support document accompanying this proposal.

However, portions of the stack height regulations have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit. (*Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983)). The court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, the actions taken today under the interim policy described above may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations.

EPA Actions

EPA has determined that the Consent Order for the Westvaco Mill and the accompanying control strategy demonstration meets all of the applicable requirements of section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, EPA proposes to approve this Consent Order as a revision to the Maryland State Implementation Plan.

The Public is invited to submit comments to the above-noted addresses on whether the EPA should approve this revision to the Maryland SIP. All comments received on or before August 1, 1984 will be considered.

General

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Authority: 42 U.S.C. 7401–7642.

Dated: February 23, 1984.

Thomas P. Eichler,

Regional Administrator.

[FR Doc. 84-17485 Filed 6-29-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[OAR-FRL-2619-6]

Federal Assistance Limitations; State of Michigan; Correction

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of Proposed Rulemaking; Correction.

SUMMARY: This notice corrects the closing date of the public comment period which was incorrectly stated in the proposed rulemaking on federal assistance limitations for the State of Michigan. This proposed rulemaking was published in June 14, 1984, Federal Register (49 FR 24549).

FOR FURTHER INFORMATION CONTACT: Toni Lesser, (312) 886–6037

Correction: In particular, on page 24549 in the third column, in the section for dates it was stated that written comments must be received on or before July 16, 1981. The correct date for the submission of public comments is July 27 1984.

The section should have read as follows:

DATE: Written comments must be submitted to USEPA on or before July 27 1984.

Similarly, on page 24551 in the third column, in Section D. Request for Comment, it is stated that the comment deadline is July 16, 1984. As stated above, the correct date for the comment deadline is July 27 1984.

Dated: June 21, 1984.

Dale S. Bryson,

Acting Regional Administrator.

[FR Doc. 84-17483 Filed 6-29-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 15, 21, 22, 23, 68, 73, 76, 81, 83, 90, 94, and 95

[Gen. Docket No. 84-361]

List of Rules To Be Reviewed Pursuant to Section 610 of the Regulatory Flexibility Act During 1983–1984; Extension of Comment Date

AGENCY: Federal Communications Commission.

ACTION: List of rules to be reviewed under the Regulatory Flexibility Act; extension of comment period.

SUMMARY: The Federal Communications Commission extends comment period in Gen. Docket No. 84–361 to allow interested persons additional time to file comments relative to the Federal Communications Commission's list of rules to be reviewed during 1983–1984 pursuant to section 610 of the Regulatory Flexibility Act.

DATE: Comments are now due by August 21, 1984.

FOR FURTHER INFORMATION CONTACT: James Keats, (202) 254–6530.

SUPPLEMENTARY INFORMATION:

Order Extending Comment Filing Period

In the matter of Federal Communications Commission's List of Rules to be Reviewed Pursuant to Section 610 of the Regulatory Flexibility Act During 1983–1984, Gen. Docket No. 84–361.

Adopted: June 22, 1984.
Released: June 25, 1984.

1. On April 4, 1984, the Commission adopted a Notice in the above-captioned proceeding relating to its periodic review as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) of rules issued by the agency which have a significant economic impact on a substantial number of small entities. The Notice listed rules targeted for review by the Commission from January 1984 through December 1984. The public was invited to file comments on the rules and to suggest changes. The Notice stated that the comment period would end 60 days after the Notice was published in the Federal Register. The Notice was published in the Federal Register on April 23, 1984 (49 FR 17045).

2. On June 14, 1984, the Association of Federal Communications Consulting Engineers (AFCCE) filed a petition for extension of time to file comments. AFCCE requested an additional sixty days. AFCCE supported its requests by stating that it "considers that the matters raised in this Docket are of such importance as to require certain studies, as well as the discussion of the results of such studies by the membership of the Association before such comments are filed. It believes the additional time requested herein is required for such function." In light of the circumstances presented here we believe the requested extension is warranted.

3. It is hereby ordered, that AFCCE's petition for extension of time is granted. Pursuant to applicable procedures set out in §§ 1.4 and 1.415, and the authority delegated in § 0.251 of the Federal Communications Commission's Rules and Regulations, 47 CFR 1.4 and 1.415, and the authority delegated in § 0.251 of the Commission's Rules, 47 CFR 0.251,

interested persons may file comments on or before August 21, 1984.

Bruce E. Fein,

General Counsel.

[FR Doc. 84-17462 Filed 6-29-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, and 175

[Docket No. HM-184B; Notice No. 84-5]

Implementation of the ICAO Technical Instructions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hazardous Materials Regulations (HMR) in order to permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the most recent edition of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). These amendments are necessary to facilitate the continued shipment of hazardous materials in international commerce by aircraft when the 1985 edition of the ICAO Technical Instructions becomes effective on January 1, 1985, pursuant to decisions taken by the ICAO Council regarding implementation of Annex 18 to the Convention on International Civil Aviation.

DATE: Comments must be received by September 14, 1984.

ADDRESS: Address comments to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Branch is located in Room 8426, Nassif Building, 400 Seventy Street, S.W., Washington, D.C. 20590. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, International Standards Coordinator, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426-0656.

SUPPLEMENTARY INFORMATION: On November 29, 1983, the Materials Transportation Bureau (MTB) published amendments to the Hazardous Materials Regulations (48 FR 53710) which allow under certain conditions, and with certain limitations, hazardous materials packaged, marked, labeled, classified and described and certified on shipping papers as provided in the 1984 edition of the ICAO Technical Instructions to be offered accepted and transported by aircraft within the United States and aboard aircraft of United States registry anywhere in commerce. In addition, amendments were published to Part 175 of the HMR to align the requirements for the loading and handling of hazardous materials aboard aircraft with those in the 1984 edition of the ICAO Technical Instructions. It was necessary that these amendments be published in order to provide consistency between the Hazardous Materials Regulations and the ICAO Technical Instructions because the ICAO Technical Instructions have become the basic standard applied to the transport of hazardous materials by aircraft worldwide. A more detailed explanation of the reasons for this action was provided in the Notice of Proposed Rulemaking published under Docket No. HM-184 on August 2, 1982 (47 FR 33295).

Since publication of the final rule under Docket No. HM-184A, ICAO has developed a number of amendments to the Technical Instructions. These amendments have been incorporated in the 1985 edition of the ICAO Technical Instructions which will become effective on January 1, 1985. In order to continue to fulfill the intent of the amendments published under HM-184 and HM-184A (i.e., to facilitate the international transportation of hazardous materials by aircraft by insuring a basic consistency between the HMR and the ICAO Technical Instructions), the MTB believes it necessary to amend certain provisions of the HMR to reflect changes introduced in the 1985 edition of the ICAO Technical Instructions. The purpose of this rulemaking action to propose these necessary amendments to the HMR.

The following is an analysis of this proposal, by section, which provides the background behind the proposed changes:

Section 171.7. The reference to the 1984 edition of the ICAO Technical Instructions in the matter incorporated by reference would be updated to refer to the 1985 edition. A copy of the Report of the Eighth Meeting of the ICAO Dangerous Goods Panel, indicating all changes introduced into the 1985 edition of the Technical Instructions, is on file in the public dockets.

Section 173.860. Subparagraph (b)(1) of this section would be removed and the exception for mecurial barometers contained therein added to § 175.10.

Section 175.10. One of the existing exceptions in this paragraph would be amended and an additional exception added. The exception for aircraft parts and supplies in subparagraph (a)(2), which is currently aligned with the corresponding text of the 1984 edition of the Technical Instructions, would be amended to reflect the wording introduced in the 1985 edition of the Technical Instructions. ICAO changed the exceptions for aircraft parts and supplies in the Technical Instructions in order to achieve consistency with paragraph 2.4.2 of annex 18 of the Convention. The proposed text provides that replacements for parts and supplies that would be classed as hazardous materials must be transported in accordance with the HMR except that batteries would be authorized up to a gross weight of 110 pounds. In addition, a new exception for mercurial barometers would be added as a new subparagraph (a)(22).

Section 175.33. Paragraph (a) of this section would be revised to provide that the net quantity or gross weight, as applicable for the particular hazardous material, must be shown on the notification to pilot-in-command unless the regulations impose no limit on the maximum quantity of that hazardous material that may be contained in one package. It would also be revised to improve editorial clarity.

Section 175.85. Subparagraph (c)(1)(v) would be revised to change the lower flashpoint limit of flammable liquids that may be carried in an inaccessible location from 90 °F(32) °C) to 73 °F (23 °C) in order to maintain alignment with the corresponding paragraph in the ICAO Technical Instructions.

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Incorporation by reference.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 175

Hazardous materials transportation, Air carriers.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 175 would be amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

1. In § 171.7 paragraph (d)(27) would be revised to read:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(27) International Civil Aviation Organization Technical instructions for the Safe Transport of Dangerous Goods by Air, DOC 9284–AN/905 (ICAO Technical Instructions), 1985 edition.

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

§ 173.860 [Amended]

2. In § 173.860, paragraph (b)(1) would be removed.

PART 175—CARRIAGE BY AIRCRAFT

3. In § 175.10, paragraph (a)(2) would be revised and a new paragraph (a)(22) would be added as follows:

§ 175.10 Exceptions.

(a) * * *

(2) Hazardous materials required aboard an aircraft for its operation. Items of replacement thereof must be transported in accordance with this subchapter except that aircraft batteries are authorized up to a gross weight of 110 pounds.

* * * * *

(22) A mercurial barometer carried as carry-on baggage only, by a representative of a government weather bureau or similar official agency. The barometer must be packaged in a strong outer packaging having a sealed inner liner or bag of strong, leak proof and puncture-resistant material impervious to mercury, which will prevent the escape of mercury from the package irrespective of its position. The pilot-in-command must be informed of the presence of any such barometer.

4. In § 175.33, the existing paragraphs (a)(3), (4), (5), and (6) would be redesignated (a)(5), (6), (7) and (8) respectively, paragraph (a)(2) would be revised and new paragraphs (a)(3) and (a)(4) added as follows:

§ 175.33 Notification of pilot-in-command.

(a) * * *

(2) The total number of packages;

(3) The net quantity or gross weight, as applicable, for each package except those containing radioactive materials and for those for which there is no limit imposed on the maximum net quantity per package;

(4) the location of the packages aboard the aircraft;

* * * * *

§ 175.85 [Amended]

5. In § 175.85(c)(1)(v), the figures "80 °F (32 °C)" would be replaced by the figures "73 °F (23 °C)"

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 App. A to Part 1 and paragraph (a)(3) of App. A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034) or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) I certify that this proposal would not, if adopted, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal would be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C., on June 25, 1984.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[Fr Doc. 84-17573 Filed 6-29-84; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 73-34; Notice 7]

Motor Vehicle Safety Standards; School Bus Body Joint Strength

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Notice of termination of rulemaking.

SUMMARY: This notice terminates rulemaking action begun when this agency published a notice of proposed rulemaking (NPRM) to solicit comments on a proposed amendment to Safety Standard No. 221, *School Bus Body Joint Strength* (46 FR 57939). The notice sought to amend the standard by requiring most maintenance access panels in school buses to comply with the standard. The comments received in response to the NPRM indicated that no safety problem has arisen due to a failed maintenance access panel; that extra fasteners on these panels may discourage prompt maintenance, possibly leading to an overall degradation in bus safety; and that no examples of circumvention of the standard had been revealed. In light of the foregoing, the agency terminates this rulemaking action, but urges the bus industry to review its designs to minimize the number of maintenance access panels. This agency will continue to monitor information concerning maintenance access panels and, if appropriate, rulemaking action will be reinstated.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, NRM–12, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–2264).

SUPPLEMENTARY INFORMATION: On November 27, 1981, the NHTSA published a notice proposing the removal of the blanket exemption of maintenance access panels from Safety Standard No. 221, *School Bus Body Joint Strength* (46 FR 57939). The proposed amendment would have required most maintenance access panels to be securely joined in compliance with the requirements of Standard No. 221. This end would have been accomplished by redefining the terms "bus body" and "bus panel joint," to reduce the number of exempted joints.

The agency had become concerned that manufacturers were apparently circumventing the mandates of the standard by artificially "creating" access panels that were not necessary for bus maintenance. Accident data had revealed that panels joined in compliance with the standard were less likely to separate and pose safety problems after sustaining heavy impacts.

By request of the Truck Body and Equipment Association (TBEA), the comment period was extended to March 29, 1982 (47 FR 4100). Ultimately, over 200 comments were submitted, with all but two commenters opposed to the proposed amendment. Mainly, commenters asserted that not a single injury could be attributed to maintenance access panel failure.

On March 4, 1982, a meeting was held with members of the school bus industries, school authorities and interested parties through the assistance of the TBEA. These representatives asserted publicly that the standard for access panels did not need to be amended. They stated that no safety problems and no standard abuses had been shown. The representatives further contended that extra fasteners would

delay proper maintenance because of difficulties in removing extra fasteners.

At a meeting on January 27, 1983, with the Administrator, members of the school bus industry and other school authorities reaffirmed their contentions involving maintenance difficulties. Further, they commented that the additional costs of compliance might be $500 per bus without providing any greater safety benefits. Also, they suggested that the proposed redefinitions were likely to include other previously exempted joints that did not relate to maintenance access panels, thereby exceeding the original intent of the notice.

NHTSA undertook an internal review of the comments received and the available accident data. In light of this reevaluation, the agency determined that these arguments had substantial merit.

Injury Data

After reviewing in-depth studies of school bus accidents, the agency was unable to find a documented case of a single injury resulting from maintenance access panels. Several cases involving severe crash damage (including train crashes) indicated that even with instances of pronounced joint failures, no personal injuries resulting from such failures have been documented.

In its data reevaluation, the agency observed that some interior panels, particularly those in overhead areas, were constructed with a "doubled-over" edge fabrication. The agency noted that these panels with "doubled-over" edge fabrication substantially lessen the potential for lacerations and serious injury posed by exposure to jagged edges. Manufacturers have stated that "doubled-over" edge designs are a common practice within the industry, although the agency has yet to observe maintenance access panels with this design feature. Even though there have been no documented cases of injury resulting from maintenance access panels, manufacturers are urged to utilize the doubled-over edge or other designs to lessen the potential for injury from such panels.

Abuse of Safety Standard No. 221

Next, the agency reviewed its contention that manufacturers were circumventing Standard No. 221 by artificially "creating" maintenance access panels. It was noted that some manufacturers have replaced some panels that had to comply with Standard No. 221 with maintenance access panels in later model buses. However, the agency assumes that this action was prompted by a legitimate need for the additional access panels. Although the agency has been unable to positively identify cases of abuse, it believes that the potential for abuse exists, and urges manufacturers to limit use of maintenance access panels to those areas where such panels are absolutely necessary. The agency will continue to monitor this issue and will not hesitate to take appropriate regulatory and/or enforcement actions if abuses are discovered.

Maintenance Difficulties

The agency, in its reevaluation, determined that requiring extra fasteners on maintenance access panels may not increase safety in the long run. For example, a maintenance access panel presently requiring 8 fasteners, might, had the amendment been promulgated, need 20 fasteners to comply with Standard No. 221. An increase in fasteners or a decrease in access panels will complicate the maintenance process and may discourage prompt maintenance.

Increased Costs

Those within the school bus industry have quoted increased compliance costs of $200–$500 per bus. The cost increases could be detrimental to safety to the extent that they induce owners of older buses to keep them in operation after the time they would normally be retired or replaced.

Conclusion

In light of the foregoing, this notice terminates this rulemaking action. The agency suggests that the bus industry review its designs and customer requests to minimize the number of maintenance access panels. For example, wires could be run down one side of the bus, eliminating the need for designating large areas of the bus interiors "maintenance access panels," or a wiring harness could be passed through a conduit installed behind conforming panels.

This agency will continue to monitor information involving maintenance access panels, and if appropriate, rulemaking action will be reinstated.

Issued on June 26, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-17472 Filed 6-29-84; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1160 and 1165

[Ex Parte No. 55, Sub-N43A; and Ex Parte No. MC-142; Sub-1]

Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property); Removal of Restrictions From Authorities of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Supplemental Rulemaking.

SUMMARY: The Commission is reassessing its policy concerning the propriety of bulk restrictions on motor carrier operating authority. To develop a thorough and effective factual record concerning the bulk service restrictions issue, both as to specific commodities and as to commodities generally, the Commission (a) solicits public comment and evidence on the matter, and (b) will direct to interested parties specific information requests relating to their individual transportation interests.

DATES: All interested persons should file their comments and supporting evidence by August 16, 1984.

ADDRESSES: Send an original and 15 copies of all submissions and replies to: Ex Parte Nos. 55 (Sub-No. 43A) and MC-142 (Sub-No. 1), Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Suzanne Higgins, (202) 275-7181

or

Howell I. Sporn, (202) 275-7691

SUPPLEMENTARY INFORMATION: The Commission's recent decisions adopting final rules in Ex Parte No. 55 (Sub-No. 43A), 49 FR 15202, April 18, 1984, and Ex Parte No. MC-142 (Sub-No. 1), 49 FR 15207 April 18, 1984, reserved for further consideration in a supplemental rulmaking proceeding our proposal (48 FR 36288, August 10, 1983) to disallow bulk service restrictions on specified commodity authority. An adequate factual basis to determine whether to include or exclude bulk restrictions on various specific commodity classifications can be developed most effectively through the rulemaking process.[1] We are also interested in

[1] From a policy perspective, we have taken the position that commodity and service restrictions on specified commodities authorizations undermine

Continued

developing a record on the broader question of the restriction of general commodities authorities as to bulk service, and evidence on that issue is also solicited.

To ensure that the record developed in complete, we solicit the participation of the Department of Transportation and the Federal Trade Commission, and we will direct this Commission's Office of Transportation Analysis to participate as a party.

Substantive Focus—We seek a factual basis for determining whether the service features of providing bulk transportation are materially different from those involved in non-bulk transportation. We will (1) consider whether bulk transportation involves additional or different "fitness, willingness, and ability" requirements (such as operational safety obligations or levels of expertise on the part of participating carriers) than non-bulk transportation, and the related question whether such differences exist among different types of bulk transportation; (2) review the necessity of a separate demonstration of public need for bulk service in connection with grants of broader commodity classifications; and (3) examine the development of bulk service potential in the context of the Commission's statutory obligation to oversee a competitive motor carrier industry, affording a variety of pricing and service options.

Consistent with the focus of our inquiry, all parties should consider the following issues as a basis for formulating their submissions:

(1) The marketing and operating efficiencies associated with a carrier's involvement in one or both types of transportation; and

(2) The similarities and differences between bulk and non-bulk transportation in terms of fitness and safety requirements, service obligations, carrier resources, expertise and commitment of personnel.

We also solicit evidence of (1) those representative commodities for each STCC group that are shipped in both bulk and non-bulk form, and (2) commodities and/oR STCC group that rarely; if ever, move in bulk form. Additionally, we seek evidence of changes in shipping methods and patterns that affect whether commodities do now or will move in bulk form.

Focusing on these areas of inquiry should assist parties in developing their presentations. However, the areas of inquiry delineated here are not limitations on the scope of our investigation of the bulk restrictions issue. Parties need not confine their commentary to these issues. Moreover, where the preliminary submissions suggest supplementary or alternative courses of inquiry, we will request additional evidence.

operating efficiencies and needlessly chill competition in the motor carrier industry, and thus should be disallowed. *See* Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority (Motor Carriers and Brokers of Property)*, interim policy statement, 45 FR 45545, 45550 (July 3, 1980). *See also, C.D.B. Incorporated, Extension-Texas*, 133 M.C.C. 114 (1983), on appeal *sub. nom., Steere Tank Lines, Inc.* v. *I.C.C.*, No. 83-4175 (5th Cir. filed May 5, 1983); *Whiteford Truck Lines, Inc., Nationwide Points*, No. MC-136635 (Sub-No. 69) (unpublished) (served October 22, 1982); *OMH Trucking Company d/b/a Hubbard Cargage Company Common Carrier Application*, No. MC-158495 (unpublished) (served June 23, 1982).

Comments

All interested persons should file their comments and supporting evidence by August 16, 1984. Each party should specifically identify its bulk transportation interests and present the facts in support of its position.

Specific evidentiary requests: After the receipt of the initial filings, the Commission will issue specific evidentiary requests to the parties.

Environmental and Energy Considerations

We do not anticipate that any rules developed as a result of the supplemental proceeding will affect significantly the quality of the human environment or the conservation of energy resources. However, we invite comments on these issues.

Regulatory Flexibility Analysis

The Commission certifies that any regulations that will result from institution of this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose of this proceeding is to determine whether there is an adequate factual basis for disallowing bulk service restrictions. No possible conclusion that the Commission might reach would have a significant economic impact on a substantial number of small entities.

Any rules adopted as a result of this evidentiary proceeding will be implemented through the existing application evaluation processes for new or restriction removal authorities. Accordingly, this proceeding shall not result in imposition for additional reporting, recordkeeping, or compliance requirements upon small entities. Neither will this proceeding result in promulgation of rules which duplicate, overlap, or conflict with any existing Federal rule.

List of Subjects in 49 CFR Parts 1160 and 1165

Administrative practice and procedure, Motor carriers, Brokers.

This action is taken under the authority of 49 U.S.C. 10101, 10322, 10923, 10924, and 11102, and 5 U.S.C. 553.

Decided: June 11, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison. Chairman Taylor dissented with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 84-17571 Filed 6-29-84; 8:45 am]

BILLING CODE 7635-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine the June Sucker (Chasmistes liorus) to be an Endangered Species With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the June sucker (*Chasmistes liorus*) to be an endangered species and to designate its critical habitat under the authority of the Endangered Species Act of 1973, as amended. The June sucker occurs only in Utah Lake, Utah and its major tributaries. It uses the lower portions of the Provo and Spanish Fork Rivers, the two largest tributaries of Utah Lake, for spawning and larval rearing. It is threatened with habitat alteration through dewatering and degrading water quality, competition and predation by exotic species, and illegal killing during the spawning run. Also, it has been suggested that the Central Utah Project (portions of the Bonneville unit), presently under construction, could impact this species by reducing and changing flows in the Provo River, the major spawning site of the June sucker, and affect portions of Utah Lake resulting in habitat loss for the species while potentially increasing habitat for exotic species. However, recent discussions between the Fish and Wildlife Service's Regional Endangered Species staff and representatives from the Bureau of Reclamation, Utah Water Conservancy District, and the Utah Division of Wildlife Resources have indicated that the proposed listing is

compatible with the development of this project. This proposal, if made final, would implement protection provided by the Endangered Species Act of 1973, as amended. The Service is requesting comments on this action.

DATES: Comments from all interested parties must be received by August 31, 1984. Public hearing requests must be received by August 16, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Comments and materials received will be available for public inspection, by appointment, during normal business hours of the Service's Regional Endangered Species Staff at 134 Union Boulevard, 4th floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Staff Biologist, Regional Endangered Species Office, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234-2496 or FTS 234-2496).

SUPPLEMENTARY INFORMATION:

Background

The June sucker (*Chasmistes liorus*) is endemic to Utah Lake in Utah and uses the lower portions of the Provo and Spanish Fork Rivers, the two largest tributaries of Utah Lake, for spawning and larval rearing. Utah Lake is a 38,000-hectare (approximately 38 kilometers long and 21 kilometers wide at the maximum points) remnant of ancient Lake Bonneville. The lake is shallow, slightly saline, turbid, highly eutrophic, and is the largest freshwater lake located entirely in Utah. The lake has an average depth of 2.9 meters and a maximum depth of 4.2 meters. In 1885, the compromise elevation (maximum level Utah Lake would be allowed to fill) was established at 1,368.35 meters (Radant and Sakaguchi, 1981).

The June sucker was first collected and described by David S. Jordan in 1878 (Jordan, 1878). The common name June sucker is based on the fact that peak spawning time for this species occurs during the month of June. Some confusion has existed over the systematics of Utah Lake suckers in recent years. It has been reported that at least three species of suckers occurred in Utah Lake (Stubbs, 1966; Lowder, 1951; and Jordan, 1878). However, recent information presented by Miller and Smith (1981) suggested that only two species, the Utah sucker (*Catostomus ardens*) and the June sucker occurred in Utah Lake. June suckers are readily distinguished from Utah suckers by their subterminal mouth, relatively smooth divided lips, broad skull and greater numbers of gill rakers. The June sucker spawns in June while Utah suckers spawn in early April (Radant and Hickman, 1984).

Recently, Miller and Smith (1981) concluded that the June suckers present in Utah Lake today are different from the June suckers collected prior to 1900. They have hypothesized that the June and Utah suckers hybridized during the 1932 to 1935 drought when fish populations were stressed. As June suckers returned to abundance, the new genes were incorporated into the population and have become normal characteristics. They have assigned *Chasmistes liorus liorus* to specimens collected in the late 1800's and *Chasmistes liorus mictus* to specimens collected after 1939. However, to avoid confusion, this proposal is viewing the June suckers as a full species, since it has maintained its distinctiveness from other suckers and is not known to hybridize with any species today.

Decline in abundance of June suckers can be attributed to habitat alteration through dewatering and degrading water quality, competition and predation by exotic species, commercial fishing, and killing of the adults during the spawning run.

Historically, the June sucker was very abundant in Utah Lake. Jordan (1891) reported millions of suckers existing in the lake when he visited there in 1889. As a result of this visit, he proclaimed Utah Lake as "the greatest sucker pond in the universe." In the late 1800's it was estimated that 1,361 metric tons of spawning suckers were killed in 3.3 kilometers of the Provo River due to dewatering (Carter, 1969). Carter (1969) again reported that 2.3 metric tons of suckers were removed from a dewatered irrigation ditch during the early 1920's.

Utah Lake suckers were an important part of the total commercial fish harvest until their numbers became too low. Cope and Yarrow (1875) reported that the June sucker was extremely numerous and the fishermen considered them a nuisance; however, they sold readily in the winter for an average price of 2½ cents per pound (Cope and Yarrow, 1875, reported that fresh trout were selling for 30 cents per pound during this same period). In the early 1900's, commercial fishermen were still reporting large catches of suckers annually. Between 1901 and 1905, an average of 162 metric tons of suckers were harvested annually (Carter, 1969). Larger numbers of suckers were still being caught in the early 1950's; Lowder (1951) reported that in 1951, as many as 1,350 suckers could still be taken in a single day of commercial seining. Today, few, if any, suckers are captured in the nets of commercial fishermen in Utah Lake.

Hundreds of tons of suckers were lost during the 1932 to 1935 drought due to crowing and freezing when irrigation practices nearly drained Utah Lake dry (Tanner, 1936). Tanner (1936) reported that in the spring of 1935 there were no suckers running up the Provo River to spawn, "Something that had never happened before in the history of Utah Lake."

In 1951 suckers were still considered to be the second most abundant species in Utah Lake. However, by 1959 suckers were the fourth most abundant species in the Lake with gillnet catch rates of 0.16 suckers per net hour (Arnold, 1959). Similar gillnetting efforts in 1970 captured only 0.01 suckers per net hour (White and Dabb, 1970). During this 1970 study, suckers were reported to be the sixth most abundant species in the lake.

An intensive inventory of the Utah Lake fishery during 1978 and 1979 using a variety of sampling gear resulted in 2,097 separate net collections which captured 34,292 adult fish. However, only 102 (0.3 percent of the total catch) were identified as June suckers, while only 18 were identified as Utah suckers. The Utah sucker is still abundant in areas outside Utah Lake. No young-of-the-year suckers were taken during the study. Gillnetting collections during this study produced no suckers (Radant and Sakaguchi, 1981).

The decline of sucker numbers to present levels appears to correspond closely with the introduction of white bass and walleye in the mid-1950's. Competition and predation from exotic species is one of the serious threats to the survival of the June sucker. Over 20 exotic fish species have been introduced into Utah Lake during the past 100 years. Radant and Sakaguchi (1981) reported that the most successful introductions of exotic species has been with the carp (1886), largemouth bass (1890), black bullhead (1893), channel catfish (1919), walleye (1955), and white bass (1956). The dominant fish in Utah Lake today are the white bass, walleye, cannel catfish and carp, all exotic species.

Declines in the June sucker can also be attributed to killing during the spawning run. The sucker is highly vulnerable at this time; often their backs are out of the water. This aspect, in addition to clear water conditions and the congregating nature of their spawning behavior, makes them easy prey for guns, arrows, rocks, nets, etc.

The State of Utah in 1983 included this species on its protected list, making it illegal to capture or kill the June sucker. However, the potential for illegal killing still occurs, especially during low water years.

Prior to 1978, biological information for the June sucker was virtually nonexistent, and even today much remains to be learned about this species. Due to their rarity, little biological data have been collected pertaining to their life history requirements in the lake. Much of the information pertaining to biological requirements of the species deals with the spawning and larval rearing period in the Provo River. June sucker spawning is restricted primarily to the Provo River, with limited spawning probably occurring in the Spanish Fork River (Radant and Sakaguchi, 1981; Shirley, 1983; Radant and Hickman, 1984). The adult June sucker ascends the Provo River during the second or third week of June (on the average) and completes spawning within 5 to 8 days. They travel as far as 6 kilometers upstream to a diversion barrier. Spawning occurs throughout this reach of river. Details on spawning behavior, habitat, water velocities, hatching time, larval development, etc., can be found in papers by Shirley (1983) and Radant and Hichman (1984).

Young-of-the-year June suckers have been collected in the Provo River up to 5 months after hatching. However, no young-of-the-year or juvenile suckers are known to have been collected from Utah Lake in recent years. Accurate population estimates for the June sucker have not been made. It is suspected that there are less then 1,000 adults (based upon spawning run estimates) today. They all appear to be over 15 years in age. It is possible that the June sucker population existing today is very old, with little or no recruitment occurring.

Past actions affecting this taxon began on December 30, 1982, when the Service included the June sucker in a notice of review published in the Federal Register (47 FR 58456). This notice pertained to vertebrate species that were currently under review for listing as endangered or threatened. This notice indicated that substantial information was available to support the biological appropriateness of proposing to list this species as endangered or threatened. On April 12, 1983, a petition was received by the Service from the Desert Fishes Council requesting that the June sucker be listed as an endangered species. A notice of finding on this petiton was published by the Service in the June 14, 1983, Federal Register (48 FR 27273). This notice stated that the petition was accepted and that the Service had 1 year from the date that the petition was received to publish its findings in the Federal Register. This proposed rule constitutes the required 1-year finding in accordance with section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate the 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the June sucker (*Chasmistes liorus*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Alteration of habitat has been a major factor in the decline of this species. Currently, the main threats to the June sucker are: (1) Habitat modification through the diversion of water for irrigation, municipal, and industrial purposes; and (2) the possibility of habitat modification from upstream impoundments associated with the Central Utah Water Project. However, recent discussions between the Fish and Wildlife Service's Regional Endangered Species staff and representatives from the Bureau of Reclamation, Utah Water Conservancy District, and the Utah Division of Wildlife Resources has indicated that the proposed listing is compatible with the development of this project. Alteration of habitat through water diversions and intermittent releases from upstream impoundments could seriously impact the spawning habitat of the June sucker. If a large volume of water was diverted during a drought year it could adversely modify the lake habitat.

B. *Overutilization for commercial, scientific, or educational purposes.* Illegal killing of the adult June suckers occurs during the spawning migration. This is usually done with guns, arrows, rocks, nets, etc. Although the State of Utah has included this species on its protected list, illegal killing still occurs, especially during low water years. The species is very vulnerable during this time period. It is possible that a majority of the entire June sucker population is concentrated in one section of the Provo River during this 3 to 4 week period. Some commercial fishing occurs on Utah Lake; however, because of their rarity, few, if any, June suckers are captured. Monitoring of the commercial catch could be necessary, especially if the June sucker population begins to increase in the future.

C. *Disease or predation.* The June sucker currently faces predation and competition from various exotic piscivorous fish which have been introduced into Utah Lake. The decline of sucker numbers to present levels appears to correspond closely with the introduction of white bass and walleye in the mid-1950's. Competition and predation from exotic species is one of the serious threats to the survival of the June sucker. Over 20 exotic fish species have been introduced into Utah Lake during the past 100 years. Radant and Sakaguchi (1981) reported that the most successful introductions of exotic species has been with the carp (1883), largemouth bass (1890), black bullhead (1893), channel catfish (1919), walleye (1955), and white bass (1956). The dominant fish in Utah Lake today are the white bass, walleye, channel catfish and carp, all exotic species.

Although parasitism is not a known problem at this time, very little information is available. More work needs to be done on impacts of various diseases on the June sucker (Hickman, 1984).

D. *The inadequacy of existing regulatory mechanisms.* Although the State of Utah lists the June sucker as a protected species, illegal killing still occurs. Protested species status by the State of Utah does not provide any protection for the habitat of the June sucker.

E. *Other natural or manmade factors affecting its continued existence.* The impact of pollution from local communities may be adversely affecting this species but more information is needed to document this threat.

The Service has carefully assessed the best scientific information available, regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the June sucker as an endangered species. The habitat of this fish is threatened with alteration through dewatering and degrading water quality, competition by exotic species, and illegal killing during the spawning run. Those threats are too significant to merit a proposed listing as "threatened."

Critical Habitat

Critical habitat, as defined by section 3 of the Act means: (1) The specific areas within the geographical area

occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (i) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being proposed for the June sucker to include the lower sections of two major tributaries of Utah Lake. Included as critical habitat are the lower 7.4 kilometers (4.3 miles) of the main channel of the Provo River (as measured from its confluence with Utah Lake) and the lower 3 kilometers (2 miles) of the main channel of the Spanish Fork River (as measured from its confluence with Utah Lake). These sections of the Provo and Spanish Fork Rivers are all located in Utah County, Utah. While the June sucker is found throughout Utah Lake, these areas are those vital to its recruitment and requiring special management considerations. In the future, however, suitable habitat in Utah Lake and additional sections of the Provo and Spanish Fork Rivers could be proposed as critical habitat if they are found to be essential to the conservation of the species.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Any activities such as habitat alteration or increased water use from Utah Lake, Provo, and Spanish Fork Rivers could be detrimental to this species and would need to be examined on a case by case basis. Additionally, the introduction of exotic species into the June sucker's habitat along with their associated parasites, could easily harm the June sucker through predation, competition and possibly parasitism. If any Federal activities are planned for the Provo and Spanish Fork Rivers (portions designated as critical habitat) which might affect the sucker or its habitat, these actions would have to be taken under Section 7 consultation to prevent any adverse impacts on the species.

It has been suggested that the Central Utah Project (portions of the Bonneville Unit), presently under construction, could impact this species by reducing and changing flows in the Provo River, the major spawning site of the June sucker, and affect portions of Utah Lake resulting in habitat loss for the species while potentially increasing habitat for exotic species. However, recent discussions between the Fish and Wildlife Service's Regional Endangered Species staff and representatives from the Bureau of reclamation, Utah Water Conservency District, and the Utah Division of Wildlife Resources have indicated that the proposed listing is compatible with the development of this project.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will consider the critical habitat designation in light of all additional relevant information obtained prior to the time the final rule is prepared.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initated by the Service following listing. The protection required of Federal agencies, and prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires all Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. Since there is Federal funding involved in the Central Utah Water Project, consultation will be required if this listing is finalized.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered fish or wildlife under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the June sucker;

(2) The location of any additional populations of the June sucker and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and their possible impacts on the June sucker; and

(5) Any foreseeable economic and other impacts resulting from the proposed designation of critical habitat.

Final promulgation of the regulations on the June sucker will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register October 25, 1983 (48 FR 49244).

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Authors

The primary authors of this proposed rule are Mr. Terry J. Hickman, formerly of the Endangered Species staff, U.S. Fish and Wildlife Service, Room 1406 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, and Dr. James L. Miller, Endangered Species Staff, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17 Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159; 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, under fishes, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Fishes:							
Sucker, June	*Chasmistes liorus*	U.S.A. (UT)	Entire	E		17.95(e)	N/A

3. It is further proposed to amend § 17.95(e) by adding critical habitat of the June sucker as follows: The position of this entry under § 17.95(e) will follow the same sequence as the species occurs in § 17.11.

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

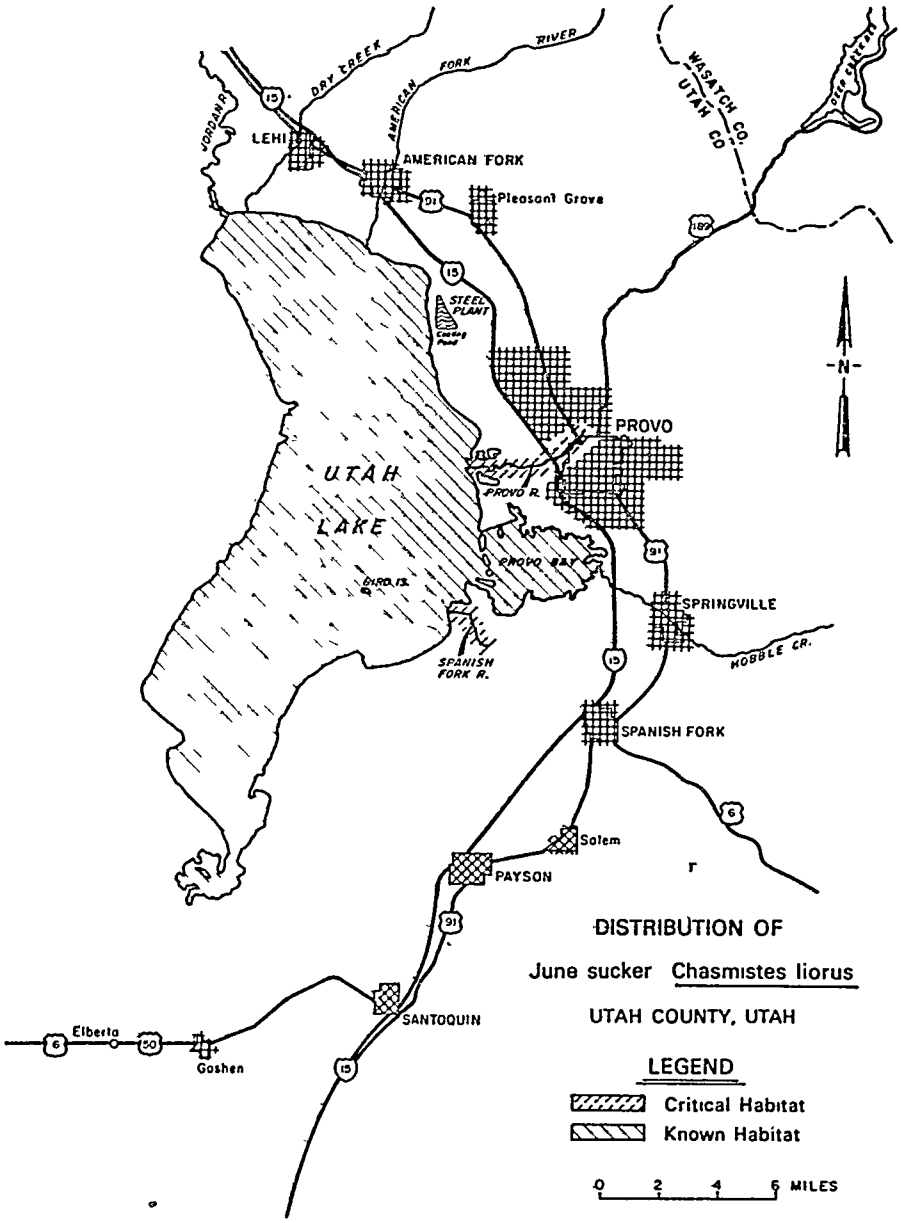
(e) *Fishes.*

June sucker (Chasmistes liorus)

Utah, Utah County; Provo River; Sec. 4, T7S, R2E; to Sec. 2, T7S, R2E—the lower 7.4 kilometers of the main channel of the river as measured from its confluence with Utah Lake.

Utah, Utah County; Spanish Fork River; Sec. 32, T7S, R2E, to Sec. 15, T8S, R2E—the lower 3 kilometers of the main channel of the river as measured from its confluence with Utah Lake.

Known constituent elements for all areas proposed as critical habitat include streams with clean unpolluted constantly flowing water 1 to 3 feet deep over a clean unsilted gravel substrate with quiet backwater areas and pools 1 to 3 feet deep along the margin of the stream.



Dated: June 18, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-17481 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 128
Monday, July 2, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Designation Renewal of Georgia Department of Agriculture (GA) and Schneider Inspection Service, Inc. (IN)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Georgia Department of Agriculture (Georgia), and Schneider Inspection Service, Inc. (Schneider), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: August 1, 1984.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James A. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action

The February 1, 1984, issue of the Federal Register (49 FR 4019) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Georgia's and Schneider's designations terminate on July 31, 1984, and requesting applications for designation as the agency to provide official services within each specified geographic area. Applications were to be postmarked by March 2, 1984.

Georgia and Schneider were only applicants for each respective designation.

FGIS announced the names of these applicants and requested comments on same in the April 2, 1984, issue of the Federal Register (49 FR 13061). Comments were to be postmarked by May 17, 1984.

No comments were received regarding Georgia's and Schneider's designation renewals.

FGIS has evaluated all available information regarding the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), has determined that Georgia and Schneider are able to provide official services in the respective geographic areas for which their designations are being renewed. Each assigned area is the entire geographic area, as previously described in the February 1 Federal Register issue.

Effective August 1, 1984, and terminating July 31, 1987, Georgia is responsible to provide official inspection, official weighing, and supervision of weighing services in its specified geographic area, and Schneider is responsible to provide official inspection services in its specified geographic area.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency to conduct official inspection services and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring a licensed inspector to all locations within its geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons also may obtain a list of the specified service points by contacting the agencies at the following address:

Georgia Department of Agriculture, Agriculture Building, Capitol Square, Atlanta, GA 30334

Schneider Inspection Service, Inc, 15405 White Oak, Lowell, IN 46356

(Sec. 8, Sec. 9, Pub. L. 94–582, 90 Stat. 2873, 2875 (7 U.S.C. 79, 79a))

Dated: June 22, 1984.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 84-17429 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Areas Currently Assigned to Hastings Grain Inspection, Inc. (NE) and New York State Department of Agriculture and Markets (NY)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the areas currently assigned to Hastings Grain Inspection, Inc. (Hastings), and New York State Department of Agriculture and Markets (New York).

DATE: Comments to be postmarked on or before August 16, 1984.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The May 1, 1984, issue of the Federal Register (49 FR 18585) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to the

official agencies. Applications were to be postmarked by May 31, 1984.

Hastings and New York, the only applicants for each respective designation, requested designation for the entire geographic area currently assigned to each of those agencies.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their comments concerning the applicants for designation. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice, and postmarked not later than August 16, 1984.

Comments and other available information will be considered in making a final decision. Notice of the final decision wil be published in the Federal Register, and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: June 22, 1984.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 84-17430 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants To Perform Official Services in the Geographic Areas Currently Assigned to Agricultural Seed Laboratories, Inc. (AZ) Decatur Grain Inspection, Inc. (IL) and South Carolina Department of Agriculture (SC)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), official agency designations shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to conduct official services in the geographic area currently assigned to each specified agency. The official agencies are Agricultural Seed Laboratories, Inc., Decatur Grain Inspection, Inc., and South Carolina Department of Agriculture.

DATE: Applications to be postmarked on or before August 1, 1984.

ADDRESS: Applications must be submitted to James R. Conrad, chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area. Agricultural Seed Laboratories, Inc. (Agri Seed), 212 S. 25th Avenue, P.O. Box 6363, Phoenix, AZ 85005; Decatur Grain Inspection, Inc. (Decatur), 3434 East Wabash Avenue, Decatur, IL 62521; and South Carolina Department of Agriculture (South Carolina), P.O. Box 11280, Columbia, SC 29211, were designated under the Act as official agencies for the performance of inspection functions on January 1, 1982.

The agencies' designations terminate on December 31, 1984. Section 7(g)(1) of the Act states generally that official agencies' designations shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Agri Seed, in the State of Arizona, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation, is the following: Maricopa, Pinal, and Yuma Counties.

The geographic area presently assigned to Decatur, in the State of Illinois, pursuant to section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation, is the following:

Bounded on the North by the northern and eastern DeWitt County lines; the eastern Macon County line south to Interstate 72; Interstate 72 northeast to the eastern Piatt County line;

Bounded on the East by the eastern Piatt, Moultrie, and Shelby County lines;

Bounded on the South by the southern Shelby County line; a straight line running along the southern Montgomery County line west to State Route 16 to a point approximately one mile northeast of Irving; and

Bounded on the West by a straight line from this point northeast to Stonington on State Route 48, a straight line from Stonington northwest to Elkhart on Interstate 55; a straight line from Elkhart northeast to the west side of Beason on State Route 10; State Route 10 east to DeWitt County; the western DeWitt County line.

Exceptions to the described geographic area are the following locations situated inside Decatur's area which have been and will continue to be serviced by the following official agencies: Champaign-Danville Grain Inspection Departments, Inc..

1. Moultrie Grain Association, Cadwell, Moultrie County;
2. Tabor and Company, Weedman Grain Company, and Pacific Grain Company, Farmer City, DeWitt County;
3. Moultrie Grain Association, Lovington, Moultrie County; and
4. Monticello Grain Company, Monticello, Piatt County.

Springfield Grain Inspection Department:

1. Chestervale Elevator Co., Chestervale, Logan County; and
2. Stonington Coop Grain Company, Stonington, Christian County.

The geographic area presently assigned to South Carolina, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation, is the entire State of South Carolina, except those export port locations within the State.

Interested parties, including Agri Seed, Decatur, and South Carolina, are hereby given opportunity to apply for designation as the official agency to perform the official services in the geographic areas, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in the specified geographic areas are for the period beginning January 1, 1985, and ending December 31, 1987 Parties wishing to apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for forms and information.

Applications submitted and other available information will be considered

in determining which applicant will be designated to provide official services in a geographic area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: June 22, 1984.

J. T. Abshier,

Director Compliance Division.

[FR Doc. 84-17431 Filed 6-29-84; 8:45 am]

BILLING CODE 3410-EN-M

CIVIL RIGHTS COMMISSION

Minnesota Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 9:30 p.m., on July 30, 1984, at the Radisson Duluth Hotel, Explorer Room, 505 West Superior Street, Duluth, Minnesota 55802. The purpose of the meeting is to discuss the status of current projects and the Minnesota Human Rights Commission.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 27, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-17508 Filed 6-29-84; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 5:00 p.m. and will end at 8:00 p.m., on July 19, 1984, at the Wisconsin Center, 610 Langdon, Madison, Wisconsin 53701. The purpose of the meeting is to discuss desegregation issues in Milwaukee, progress on the hate group project, and plans for future projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 27, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84-17507 Filed 6-29-84; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Publication of Quarterly Update of Foreign Government Subsidies on Articles of Quota Cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Susan E. Silver, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which subsidies were identified in our April 1, 1984, quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: June 18, 1984.

Alan F. Holmer,

Deputy Assistant Secretary Import Administration.

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Cents per pound	
		Gross[1] subsidy	Net[2] subsidy
Belgium	European Community (EC) Restitution Payments.	.0	.0
Canada	Export Assistance on Swiss Cheese.	27.4	27.4
	Export Assistance on Aged Cheddar N/Ov. 227 Kg/pkg.	27.4	27.4
	Export Assistance on N/FF Cheese.	27.4	27.4
Denmark	EC Restitution Payments.	0.9	0.9
Finland	Export Subsidy	31.9	31.9
	Indirect Subsidies	15.5	15.5
		47.4	47.4
France	EC Restitution Payments.	3.0	3.0
Ireland	EC Restitution Payments.	.0	.0
Italy	EC Restitution Payments.	14.2	14.2
Luxembourg	EC Restitution Payments.	.0	.0
Netherlands	EC Restitution Payments.	.0	.0
Norway	Indirect (Milk) Subsidy	16.2	16.2
	Consumer Subsidy	35.9	35.9
		52.1	52.1
Switzerland	Deficiency Payments	67.8	67.8
U.K.	EC Restitution Payments.	.0	.0
W. Germany	EC Restitution Payments.	0.4	0.4

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 10003 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DS-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held July 17 1984, 1:00 p.m., Herbert C.

Hoover Building, Room 1092, 14th Street and Constitution Avenue, NW., Washington, D.C. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Agenda

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. a. Cost benefit study of alternate strategies.
b. Plans for informal consultation with licensing officers.
4. OEA Response to: a. Acceleration of post-COCOM procedures.
b. Report on publishing "interpretations" of our rule-making decisions with regard to licenses.
c. Report on raising the threshold level for export to the Free World.
d. Distribution license rules.
e. Status of backlog.
5. New Business.
6. Action items underway.
7 Action items due at next meeting.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes contact Margaret A. Cornejo (202) 377–2583.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-17511 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DT-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Limits for Certain Wool and Man-Made Fiber Textile Products Exported From the People's Republic of China

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 2, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377–4212.

Background

On April 13, 1984 a notice was published in the Federal Register (49 FR 14781) which established import restraint limits for wool and worsted fabrics in Category 410, polyester cotton and polyester/rayon lightweight fabric in 613pt. (only TSUSA numbers 338.5035, 338.5036, 338.5039, 338.5041, and 338.5069) women's, girls' and infants' suits of man-made fibers in Category 644, and man-made fiber brassiers in Category 649, produced or manufactured in the People's Republic of China and exported during the ninety-day periods which began on March 31, 1984 for Category 410 on March 27 1984 for Category 613pt. and on March 28, 1984 for Categories 644 and 649. The notice also stated that the Government of the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, if no mutually satisfactory solution is reached on the levels for this category during consultations, to limit its exports during the twelve-month period following the ninety-day consultation period to the following:

Category	12-mo restraint level	Period
410	1,563,447 square yards	June 30, 1984 to June 29, 1985.
613pt.	14,411,465 square yards.	June 26, 1984 to June 25, 1985.
644	8,432 dozen	June 27, 1984 to June 26, 1985.
649	485,440 dozen	June 27, 1984 to June 26, 1985.

No solution has been reached in consultations on mutually satisfactory limits.

The United States Government has decided, therefore, pending further consultations, to control imports of wool and man-made fiber textile products in Categories 410, 613pt., 644 and 649, exported during the twelve-month periods at the levels described above. The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in further consultations with the Government of the People's Republic of China, notice will be published in the Federal Register.

In the event the limits established for the ninety-day period have been exceeded, such excess amounts, if allowed to enter, will be charged to the levels established for the twelve-month period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 27, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 2, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 410, 613pt.,[1] 644 and 649, produced or manufactured in the People's Republic of China and exported during the indicated twelve-month periods, in excess of the following limits:

Category	12-mo restraint limit	Period
410	1,563,447 square yards	June 30, 1984 to June 29, 1985.
613pt.[1]	14,411,465 square yards.	June 26, 1984 to June 25, 1985.
644	8,432 dozen	June 27, 1984 to June 26, 1985.
649	485,440 dozen	June 27, 1984 to June 26, 1985.

[1] In Category 613, only TSUSA numbers 338.5035, 338.5036, 338.5039, 338.5041, and 338.5069.

Textile products in Categories 410, 613pt.,[1] 644 and 649 which are in excess of the 90-day limits previously established shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of wool and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs

[1] In Category 613, only TSUSA numbers 338.5035, 338.5036, 338.5039, 338.5041, and 338.5069.

functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17589 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Adjusting the Import Restraint Limits for Certain Cotton Textile Products Produced or Manufactured in India

June 27, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 29, 1984. For further information contact Ross Arnold, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, as amended, between the Governments of the United States and India includes flexibility provisions allowing for percentage increases in certain categories during an agreement year, provided a deduction in equivalent square yards in made in another specific limit category (swing), for the carryover of shortfalls in certain categories from the previous agreement year (carryover); and for the borrowing of yardage from the succeeding year's limit (carryforward) with the amount used being deducted from the category limit in the succeeding year. Under the terms of the bilateral agreement and at the request of the Government of India, flexibility is being applied, variously, to the import limits established for cotton textile products in Categories 335 (coats), 336 (dresses), 338/339/340 (shirts and blouses), 341 (women's girls' and infants' woven blouses), 342 (skirts), and 347/348 (trousers) and to the apparel group limit established for Categories 330-359, 431-459 and 630-659. These adjustments will result in increases in all of the foregoing category limits except Category 338/339/340 which will be decreased from 1,097,753 dozen to 1,019,984 dozen to account for swing applied to other categories.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Supplementary Information

On December 16, 1983, a letter was published in the **Federal Register** (48 FR 55891) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established limits for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 335, 336, 338/339/340, 341, 342 and 347/348, and the apparel group, produced or manufactured in India, and exported during the twelve-month period which began on January 1, 1984, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust these 1984 limits to the designated amounts.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 27, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 13, 1983, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton, wool and man-made fiber textile products exported during the twelve-month period beginning on January 1, 1984 and extending through December 31, 1984, produced or manufactured in India, in excess of designated limits. The Chairman further advised you that the limits are subject to adjustment.[1]

Effective on June 29, 1984, paragraph 1 of the directive of December 13, 1983 is hereby further amended to include the following adjusted limits:

Category	Adjusted 12-month limits [1]
330-359, 431-459 and 630-659.	113,849,652 square yards equivalent.
335	146,536 dozen.
336	271,065 dozen.
338/339/340	1,019,984 dozen.
341	2,526,900 dozen.
342	372,355 dozen.
347/348	232,141 dozen.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 21, 1982, between the Governments of the United States and India which provide, in part, that: (1) Group and specific limits may be exceeded by designated percentages for swing, carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1983.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17593 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Establishing an Import Limit for Certain Man-Made Fiber Textile Products Exported From Indonesia

June 28, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 3, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4212.

Background

On April 13, 1984 a notice was publishd in **Federal Register** (49 FR 14784) which established an import restraint limit for women's, girls' and infants' kint shirts and blouses in Category 639, produced or manufactured in Indonesia and exported during the ninety-day period which began on March 29, 1984 and extends through June 27, 1984, pursuant to a newly agreed consultation provision under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, as amended. The notice also stated that the Government of the Republic of Indonesia is obligated under the bilateral agreement, if no mutually satisfactory solution is reached on a level for this category during consultations, to limit its exports during the period beginning on March 29, 1984 and extending through June 30, 1984 to 60,880 dozen.

The notice also stated that merchandise in Category 639 which is in excess of the ninety-day limit, if it is allowed to enter, may be charged to the prorated limit.

The United States Government has decided, inasmuch as no mutually satisfactory solution has been agreed in consultations concerning Category 639, to control imports at the designated limit. The limit may be adjusted to include prorated swing and carryforward.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 28, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 1982, as amended, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 3, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 639, produced or manufactured in Indonesia and exported during the period which begins on March 29, 1984 and extends through June 30, 1984, in excess of 60,880 dozen.[1]

Textile products in category 639 which have been exported to the United States during the ninety-day period which began on March 29, 1984 and extends through June 27, 1984 shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Indonesia and with respect to imports of man-made fiber textile products from Indonesia has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in theFederal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17595 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to reflect for any imports exported after March 28, 1984.

Import Restraint Limits for Certain Cotton and Man-Made Fiber Textiles and Textile Products From Indonesia

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 1, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 9, 1982 between the Governments of the United States and the Republic of Indonesia establishes specific limits for Categories 315, 319, 331, 335, 340, 341, 347/348, 604 and 639, produced or manufactured in Indonesia and exported during the twelve-month period beginning on July 1, 1984. The letter to the Commissioner of Customs which follows this notice establishes these limits. The limits for Categories 315, 331, 340, 341, 347/348 and 604 have been adjusted to account for carryforward used during the agreement year which began on July 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1983 (49 FR 13397).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

June 27, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 13 and November 9, 1982, between the Governments of the United States and the Republic of Indonesia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 315, 319, 331, 335, 340, 341, 347/348, 604 and 639, produced or manufactured in Indonesia and exported during the twelve-month period beginning on July 1, 1984.

Category	12-mo restraint limit
315	11,630,929 square yards.
319	4,383,304 square yards.
331	307,631 dozen pairs.
335	64,200 dozen.
340	346,905 dozen.
341	292,062 dozen.
347/348	583,488 dozen.
604	592,248 pounds.
639	252,942 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Indonesia, which have been exported to the United States for various control periods and extending through June 30, 1984, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for those goods during the various control periods. In the event the levels of restraint established for those various control periods that have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of October 13 and November 9, 1982 between the Governments of the United States and the Republic of Indonesia, which provide, in part, that specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit, and administrative arrangements or adjustments may be made to resolve problems arising under the bilateral agreement. Any appropriate adjustments under the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Indonesia and with respect to imports of cotton and man-made fiber textile products from Indonesia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17592 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Withdrawal of Call on Category 641 (Man-Made Fiber Blouses) Produced or Manufactured in Japan

June 27, 1984.

On March 9, 1984 a notice was published in the Federal Register (49 FR 8986) announcing that, on February 29, 1984, the Government of the United States had requested the Government of Japan to enter into consultations concerning exports to the United States of man-made fiber textile products in Category 641, produced or manufactured in Japan. The purpose of this notice is to announce that the United States Government has concluded that there is no need to establish a limit for textile products in Category 641 at this time. Should it become necessary to discuss this category with the Government of Japan at a later date, further notice will be published in the Federal Register.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17587 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Textile Consultations With Korea To Review Trade in Categories 438, 459pt., and 659pt.

June 27, 1984.

On June 14, 1984, the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Categories 438 (knit shirts and blouses), 459pt. (headwear) and 659pt. (swimwear). This request was made on the basis of the agreement of December 1, 1982, as amended, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations with Korea, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in categories 438, 459pt. and 659pt., produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1984 and extends through December 31, 1984.

Anyone wishing to comment or provide data or information regarding the treatment of these categories from Korea under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementaton thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17594 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Export Visa and Quota Requirements for Certain Cotton and Man-Made Fiber Apparel Products Produced or Manufactured in the Philippines

June 27, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 2, 1984. For further information contact Claire McDermott, Office of Textiles and Appeal, 202/377-4212.

Background

The bilateral textile and apparel agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines provides, among other things, that quotas for certain cotton and man-made apparel categories be charged on the basis of the size of the garment. Infants' garments, sizes 0-6X, are chargeable to the "traditional" segment of certain categories, while girls' and women's garments, sized over 6X, are to be charged to the "non-traditional" segments of those categories. In the past, such charges were made based upon the assignment of Tariff Schedules of the United States, Annotated (TSUSA) numbers to the "traditional" and "non-traditional" segments which most closely approximated the size requirements of the bilateral agreement.

A CITA directive on November 21, 1979 established, effective on January 1, 1980, a new visa and exempt certification mechanism for cotton, wool and man-made fiber textile and apparel products exported from the Philippines which are subject to the U.S.-Philippine bilateral agreement. (See 44 FR 68005.)

At the request of the Government of the Republic of the Philippines, CITA is directing the U.S. Customs Service to charge apparel products in Categories 335, 336, 337, 341, 342, 348, 352, 359, 635, 636, 637, 641, 642, 646, 648, 652, and 659, produced or manufactured in the Philippines and exported on and after

April 5, 1984, to the appropriate segment of these categories based upon the sizes of the garments, rather than on assignment of TSUSA numbers. Further, CITA is also directing the U.S. Customs Service to deny entry to apparel products in the above categories which are not invoiced and visaed separately according to the two size ranges, i.e. "Infants'"—size 0 to 6X and "Girls' and Women's"—sizes 7 and above.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

June 27, 1984.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

This directive amends, but does not cancel, the directives of November 21, 1979, which established a visa and exempt certification for certain cotton, wool and man-made fiber textile products produced or manufactured in the Philippiness and exported on and after January 1, 1980, and of December 16, 1983, which established limits for certain cotton, wool, and man-made fiber textile and apparel products, produced or manufactured in the Philippines and exported during 1984.

Effective on July 2, 1984 and until further notice, the directive of November 21, 1979, is hereby further amended to require that the correct category requirement be amended in terms of cotton and man-made fiber textile products in Categories 335, 336, 337, 341, 342, 348, 352, 359, 635, 636, 637, 641, 642, 646, 648, 652 and 659 to require that (1) exports from the Philippines in these categories to be invoiced and visaed separately to cover sizes 0—6x and size 7 and above and (2) visas for invoices showing sizes 0—6x be designated as "T" included with the category on the visa to correctly identify the merchandise) while visas for invoices showing sizes 7 and above be designated as "NT". Exports from the Philippines on and after April 5, 1984, which are not invoiced and visaed separately in accordance with the above mentioned size ranges shall be denied entry.

Effective on July 2, 1984, and until further notice, the directive of December 16, 1983, is further amended to provide that charges to the restraint limits be made as follows:

"T" Categories—only sizes 0 to 6x
"NT" Categories—all sizes 7 and above

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17588 Filed 6-29-84; 8:45 am]
BILLING CODE 3510-DR-M

Withdrawal of Call on Category 436 (Wool Dresses) From Taiwan

June 27, 1984.

On April 27 1984 a notice was published in the Federal Register (49 FR 18151) announcing that, on April 26, 1984, the American Institute in Taiwan (AIT), under section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) requested the Coordination Council for North American Affairs (CCNAA) to enter into consultations concerning exports to the United States of wool textile products in Category 436, produced or manufactured in Taiwan. The purpose of this notice is to announce that the United States Government has concluded that there is no need to establish a limit for textile products in Category 436 at this time. Should it become necessary to discuss this category at a later date, further notice will published in the Federal Register.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17590 Filed 6-29-84; 8:45 am]
BILLING CODE 3510-DR-M

Establishing Import Limits for Certain Man-Made Fiber Textile Products Exported From Thailand

June 27, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 26, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377-4212.

Background

On April 13, 1984 a notice was published in the Federal Register (49 FR 14783) which established an import restraint limit for spun polyester thread in Category 605pt. (only T.S.U.S.A. 310.9140). produced or manufactured in Thailand and exported during the ninety-day period which began on March 28, 1984 and extends through June 25, 1984, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of July 27 and August 8, 1983 between the Governments of the United States and Thailand. The notice also stated that the Government of Thailand is obligated under the bilateral agreement, if no mutually satisfactory solution is reached on a level for this category during consultations, to limit its exports during the period beginning on March 28, 1984 and extending through December 31, 1984 to 302,851 pounds.

The notice also stated that merchandise in Category 605pt. which is in excess of the ninety-day limit, if it is allowed to enter, may be charged to the prorated limit.

The United States Government has decided, pending further consultations on this Category to control imports in the category at the designated limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 27, 1984.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of July 27 and August 8, 1983, between the Governments of the United States and Thailand; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 26, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 605pt.[1] produced or manufactured in Thailand and exported during the period which began on March 28, 1984 and extends through December 31, 1984, in excess of 302,851 pounds.[2]

Textile products in Category 605pt.[1] which have been exported to the United States during the ninety-day period which began on March 28, 1984 and extends through June 25, 1984 shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on Decmeber 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), and April 4, 1984 (49 FR 13397).

In carrying out the above directions, the Commissioner of Customs should construe

[1] In Category 605, (only TSUS 310-9140).

[2] The limit has not been adjusted to reflect any imports exported after March 27, 1984.

entry into the United States for consumption to include entry for consumption into the Commonweath of Puerto Rico.

The action taken with respect to the Government of Thailand and with respect to imports of man-made fiber textile products from Thailand has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-17591 Filed 6-29-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92-463, as amended by section of Pub. L. 94-409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Committee has been scheduled as follows: Wednesday, 25 July 1984, Plaza West, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study of future initiatives in emergency planning.

Dated: June 26, 1984.

M. S. Healey,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-17478 Filed 6-29-84; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Opto-electronics) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed door session on 17-18 July 1984 at Palisades Institute for Research Service, Inc., 1925 North Lynn Street, Suite 1000, Arlington Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging devices, infrared detectors and lasers. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92-463, as amended (5 U.S.C. App. II 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: June 27, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-17479 Filed 6-29-84; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 1 August 1984 at Palisades Institute for Research Services, Inc., 1925 North Lynn Street, Suite 1111 Arlington, Virginia 22219.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 11(d) of Pub. L. No. 92-463, as amended, (5 U.S.C. App. II 11(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: June 27, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-17480 Filed 6-29-84; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Floodplain Statement of Findings, 1984 Remedial Action at the Hazelwood Interim Storage Site and Vicinity Properties, Hazelwood and Berkeley, Missouri

AGENCY: Department of Energy.

ACTION: Final Floodplain Statement of Findings for 1984 Remedial Action at the Hazelwood Interim Storage Site and Vicinity Properties, Hazelwood and Berkeley, Missouri.

SUMMARY: The Formerly Utilized Sites Remedial Action Program (FUSRAP), U.S. Department of Energy (DOE), has prepared a floodplain assessment for proposed remedial actions in calendar year 1984 at the Hazelwood Interim Storage Site and Vicinity Properties in Hazelwood and Berkeley, Missouri, pursuant to 10 CFR 1022.18. Some of the proposed action will take place within the Coldwater Creek floodplain. Following publication of a notice of floodplain involvement (49 FR 22679), DOE prepared a floodplain assessment. Alternatives to the proposed action were identified, environmental impacts evaluated, and mitigative measures identified. Based on the assessment, DOE has determined that there are no practicable alternatives to the proposed remedial action and that is has been designed to minimize potential harm to and within the floodplain.

The 4.4-ha (1-acre) Hazelwood, Missouri, site is located at 9200 Latty Avenue, in northern St. Louis County (Figure 1). Latty Avenue extends east of the site through portions of the cities of Berkeley and Hazelwood (Figure 1). The area is currently contaminated as a result of processing, storage, and shipping of radioactive materials at the Hazelwood site. The city of Berkeley plans to begin improvements of Latty Avenue and a storm drain about November 1984. Decontamination and restoration are therefore required to reduce the amount of residual radioactivity to levels below interim residual contamination guidelines.

Contaminated materials will be removed from: The shoulders and ditches along Latty Avenue; a strip of land across the northern part of the site; a corridor along the Hazelwood property

line; and an area of lowland between Coldwater Creek and the end of Latty Avenue. Pending removal to a permanent disposal area in the next few years, all excavated material will be transported to the Hazelwood site for interim storage on a recontoured existing storage pile containing contaminated material. An access road, vehicle washdown facility, support facilities, and property fenceline will be constructed. These facilities need to be located on the site and the only space available is in the floodplain.

The major alternatives to the proposed action include: (1) No action, (2) removal of the material to another DOE-approved site not on a floodplain, and (3) delay of the action. Taking no action is not practicable because it would result in continued potential for (a) dispersion of the contaminated material by wind and drainage, (b) exposure to people working in or traversing the area, and (c) adverse social impacts such as concerns about health effects and property values; also, it would not allow for the upgrading of Latty Avenue. Moving the material to another site would require more time and equipment, and a period of only 18 weeks—the proposed schedule of this action—is available before the city of Berkeley plans to begin its construction activities. Thus, neither removal to another site nor delaying the action are practicable.

The potential effects resulting from the proposed activities include disruption of drainage patterns, erosion and siltation, habitat destruction, wildlife displacement, and addition of chemicals (e.g., engine fuel and oil). The impacts will not be of sufficient magnitude to cause localized extinction of any species. Additionally, the habitat to be affected is not unique or critical for the area. Drainage patterns in the area relative to flood conditions should not be affected by additions to the storage pile or by placement of other facilities on the Hazelwood site.

Mitigative measures to reduce the risk of adverse environmental consequences include: Use of an anchored liner over the storage pile; implementation of erosion- and sedimentation-control procedures during construction activities; seeding and mulching of disturbed areas; control of dust levels; and use of watertight truckbeds to contain spillage.

Benefits derived from the proposed remedial action have been determined to outweight the potential environmental impacts. As a result of its review of alternatives and evaluation of the environmental impacts, DOE has determined there is no practicable alternative to the proposed action in the 100-year floodplain and that it has been designed to minimize harm to and within the floodplain. All actions will be in conformity with local ordinances.

A copy of the floodplain assessment is available from: Gale P Turi, Division of Remedial Action Projects, NE–24, U.S. Department of Energy, Washington, DC 20545.

Issued in Washington, D.C., June 25, 1984.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 84–17568 Filed 6–29–84; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) form title; (3) type of request, e.g., new, revision, or extension; (4) frequency of collection; (5) response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) type of respondent; (7) an estimate of the number of respondents; (8) annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) a brief abstract describing the proposed collection.

DATES:

Last Notice published Thursday, June 7 1984 (49 FR 23685).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252–2308

Vartkes Broussalian, Department of Energy, Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202 395–7313

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agency as shown above.

If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., June 26, 1984.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Forms Under Review by OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
FERC–558	Format of Contract Summary for Applicants for Certificate of Public Convenience and Necessity.	Extension	on-occasion	Required to obtain or retain a benefit.	Independent producers.	72	504	FERC–558 is used by the Commission for the collection of information needed to evaluate and process independent producer applications for the sale of natural gas in interstate commerce, and to evaluate and process independent producer rate schedules.

DOE FORMS UNDER REVIEW BY OMB—Continued

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
FERC-580	Fuel Purchase Practices.	New	Biennially	Mandatory	Electric Utilities	130	13,000	The information requested is needed to comply with the requirements of section 205(f)(2) of the Federal Power Act for a review "not less frequently than every two years" of "practicees . . . to insure efficient use of resources." The information will be collected from electric utilities on fuel purchase practices and policies on a biennial basis.

[FR Doc. 84-17587 Filed 6-29-84; 8:45 am]
BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board (ERAB).

Date and time: August 1-2, 1984 from 9 a.m. to 5 p.m.; August 3, 1984 from 9 a.m. to 12:30 p.m.

Place: Los Alamos National Laboratory, J. Robert Oppenheimer Research and Study Center, Casa Grande Drive, Building SM-207, Room 218, Los Alamos, NM 87545.

Contact: Sarah Goldman, U.S. Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-5444.

Purpose of the parent board: To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda: The specific agenda items and times are frequently subject to last minute changes. Visitors planning to attend for a specific topic should confirm the time prior to and during the day of the meeting.

Draft Agenda

August 1, 2, 3 Meeting—Los Alamos National Laboratory

August 1

9:00 a.m.—Administrative Items, Approval of Minutes, Schedule for Meeting
9:15 a.m.—Remarks by Director, LANL
9:45 a.m.—Remarks by Director, Albuquerque Operations Office
10:00 a.m.—Report by Chairman, Long-Range R&D Study Steering Committee
10:45 a.m.—Long-Range R&D Study Plenary Session—Guest Speakers and Discussion
12:30 p.m.—Lunch
1:30 p.m.—Long-Range R&D Study Plenary Session—Guest Speakers and Discussion
4:50 p.m.—Public Comment (10 minute rule)
5:00 p.m.—Adjourn

August 2

9:00 a.m.—Long-Range R&D Study Plenary Session
10:00 a.m.—Long-Range R&D Study Panel Meetings
12:00 noon—Lunch
1:00 p.m.—Long-Range R&D Study Panel Meetings
4:50 p.m.—Public Comment (10 minute rule)
5:00 p.m.—Adjourn

August 3

9:00 a.m.—Long-Range R&D Study Plenary Session Summary Reports of Panels
10:30 a.m.—New ERAB Charge—Review of National Academy studies on Basic Research in Materials Sciences and Chemistry
12:00 noon—Progress Reports on ERAB panels, International R&D Panel, LWR Panel, Coal Panel, Agriculture and Energy Workshop
12:20 p.m.—Public Comment (10 minute rule)
12:30 p.m.—Adjourn

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas Kuehn at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts

Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on June 26, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-17589 Filed 6-29-84; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 6887-001]

Alabama Municipal Electric Authority; Surrender of Preliminary Permit

June 25, 1984.

Take notice that Alabama Municipal Electric Authority, Permittee for the proposed Warrior Hydro Project No. 6887, has requested that its preliminary permit be terminated. The permit was issued on June 23, 1983, and would have expired May 31, 1985. The project would have been located on the Black Warrior River, in Hale and Green Counties, Alabama.

The Permittee filed its request on April 30, 1984, and the surrender of the preliminary permit for Project No. 6887 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17519 Filed 6-29-84; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 640]

Paul J. Daniels; Surrender of Exemption

June 25, 1984.

Take notice that Paul J. Daniels, Exemptee for the Dry Creek Project No. 6460, has requested that his Exemption be terminated. The order granting Exemption for Project No. 6460 was issued on November 9, 1982. The project would have been located on Dry Creek near Halfway in Baker County, Oregon. Exemptee has not started project construction.

Mr. Daniels filed the request on May 18, 1984, and the surrender of the Exemption for Project No. 6460 is deemed accepted as of May 18, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17523 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-2-23-002]

Eastern Shore Natural Gas Co., Tariff Filing

June 25, 1984.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on June 19, 1984, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective May 1, 1984

Second Substitute Alternate Twenty-Fifth Revised Sheet No. 5
Second Substitute Alternate Twenty-Fifth Revised Sheet No. 6
Second Substitute Alternate Tenth Revised Sheet No. 7
Second Substitute Alternate Twenty-Fifth Revised Sheet No. 10
Second Substitute Alternate Twenty-Fifth Revised Sheet No. 11
Second Substitute Alternate Twenty-Fifth Revised Sheet No. 12
Second Substitute Alternate Second Revised Sheet No. 13

Eastern Shore states that the purpose of the filing is to reflect (1) a Purchased Gas Cost Current Adjustment, (2) a Demand Charge Adjustment, (3) a Deferred Gas Cost Adjustment, and (4) to report the Projected Incremental Pricing Surcharges. This filing is being made in accordance with Sections 20, 21, and 23 of Eastern Shore's FERC Gas Tariff and provisions of the Stipulation and Agreement approved by letter order issued February 13, 1984 in Eastern Shore's Docket No. RP83-32.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 2, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17520 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-93-000]

Montana-Dakota Utilities Co., Tariff Change

June 25, 1984.

Take notice that on June 20, 1984, Montana-Dakota Utilities Co. ("MDU"), 400 North Fourth Street, Bismarck, ND 58501, submitted the following Rate Schedules as tariff sheets for filing as part of its FERC Gas Tariff, Original Volume No. 4:

Rate Schedule S-3 (Original Sheets No. 5R-5R.4)
S-3 Service Agreement (Original Sheets No. 20D-20D.5)
Rate Schedule T-4 (Original Sheets No. 5S-5S.7)
T-4 Service Agreement (Original Sheets No. 20E-20E.9)
Cover Sheet
Fifth Revised Sheet No. 1
Original Sheet No. 3A.1
Fifth Revised Sheet No. 21

The proposed effective date is July 21, 1984.

The proposed Rate Schedules S-3 and T-4 cover storage and transportation service, respectively, under generally applicable rate schedules. MDU states that certificate authority is based on, *inter alia*, MDU's blanket certificate in Docket No. CP83-1-000, its Order 60 certificate in Docket No. CP83-56-000, etc. The proposed rate schedules apply only to gas not currently available for purchase by MDU under currently effective gas purchase contracts.

The miscellaneous tariff sheets also submitted consist of a new cover sheet, a new table of contents, a new statement of rates applicable to Rate Schedules S-3 and T-4, and an updated Index of Purchasers.

MDU states that the proposed rate schedules are required by the public interest. The program allows producers to continue producing their gas (which is primarily associated with oil production), subject to their ability to locate alternate markets.

To retain this gas as an energy resource rather than lose it through the flaring of gas or shutting-in of wells is in the public interest. MDU also submits that with the proposed rate schedules the states where such production is located will receive their anticipated tax revenues. MDU's jurisdictional customers will benefit because S-3 and T-4 revenues will be credited to MDU's customers through Account 191.

MDU requests approval of the new rate schedules or, in the alternative, no more than a one-day suspension.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before July 2, 1984, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17521 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-47-011

Northwest Pipeline Corp., Compliance With Opinion 213

June 25, 1984.

Take notice that on June 21, 1984 Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as a part of its FERC Gas Tariff the following tariff sheets:

First Revised Volume No. 1

Fifteenth Revised Sheet No. 10
Tenth Revised Sheet No. 10-A
Second Revised Sheet No. 81

Original Volume No. 2

Tenth Revised Sheet No. 2
Fifth Revised Sheet No. 2-A
Fifth Revised Sheet No. 2-B

The above mentioned tariff sheets are revised to incorporate the reassignment of debt costs and the capitalization structure between Northwest's Rate Schedule T-1 and all other services performed by Northwest under the terms of the Commission's Opinion 213 in Docket No. RP81-47-000 dated April 5, 1984.

An effective date of June 1, 1984 is requested for all tariff sheets referenced in this docket.

A copy of this filing has been served on all parties on record in Docket No. RP81-47-000 and all affected state agencies.

Any persons desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 2, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17522 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI83-269-023]

Tenneco Oil Co., et al., Petition To Amend

June 25, 1984.

Take notice that on May 16, 1984, Tenneco Oil Company, Houston Oil & Minerals Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., TINCO, Ltd., and Tenneco West, Inc. (Tenneco Oil), of P.O. Box 2511, Houston, Texas 77001, pursuant to Sections 4 and 7 of the Natural Gas Act filed in Docket No. CI83-269-023 a petition to amend the order of November 10, 1983, issuing a certificate of public convenience and necessity and permitting and approving a limited-term abandonment in Docket No. CI83-369-000 (Tenneflex order). The petition requests the Commission to amend the Tenneflex order to extend the term of the authorization granted therein until December 31, 1985, as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Tenneflex is a limited-term experimental special marketing program, designed as a step toward encouraging gas producers to respond to the current surplus of natural gas supplies by reducing prices. The Tenneflex special marketing program permits Tenneco Oil to sell certain released gas to marginal markets. The Commission has conditioned the program to ensure that participating pipelines and their core market customers also benefit from the program. Unless extended, the program expires on October 31, 1984.

Petitioners state that the goals expressed by the Commission when it certificated this special marketing program have been realized. Petitioners state that sales under the terms and conditions of the Tenneflex order commenced in December 1983 and have been ongoing. Detailed reports of the transactions, attached to the petition, are said to reflect many instances where lost markets were recaptured or the loss of existing markets was prevented through the sale of Tenneflex volumes to qualifying alternate fuel markets. Petitioners state that the Tenneflex program has promoted competitive gas prices, encouraged competition among producers, caused a reduction in wellhead gas prices by Tenneco Oil, and enabled Tenneco Oil to increase expenditures for gas exploration and development. Petitioners assert that although equal access to Tenneflex gas has been hampered by certain conditions of the Tenneflex order, no "market raiding" has occurred. Petitioners assert that there has not been any evidence that the Tenneflex program has caused any harm to consumers, other producers, pipelines, local distribution companies, or the natural gas market in general, either in the short or long term. Tenneco Oil estimates that through April 1984, as a result of the Tenneflex program, $25.6 million in take-or-pay relief is available to releasing pipelines for the current contract year, and that the Tenneflex program has mitigated the potential problem of system fixed costs being reallocated to "captive" residential and commercial customers who lack alternate fuel capability.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 11, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17523 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No 6989-001]

Winterflow Hydro, Inc.; Surrender of Preliminary Permit

June 25, 1984

Take notice that Winterflow Hydro, Inc., Permittee for the Little Sardine Creek Project No. 6989 has requested that its preliminary permit be terminated. The Preliminary Permit was issued on June 23, 1983, and would have expired on November 30, 1984. The project would have been located on little Sardine Creek in Marion County, Oregon.

Winterflow Hydro, Inc. filed the request on April 16, 1984, and the surrender of the preliminary permit for Project No. 6989 is deemed accepted as on April 16, 1984 and effective as of 30 days after the date of this notice.

Kenneth Plumb,

Secretary.

[FR Doc. 84-17524 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket No. ID-2111-000]

Donald Hunter; Application

June 27, 1984.

Take notice that on June 11, 1984, Donald Hunter filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Yankee Atomic Electric Company

Vice President—Vermont Yankee Nuclear Power Corporation

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 9, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17530 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES84-54-000]

Gulf States Utilities Co., Application

June 27, 1984.

Take notice that on June 7 1984, Gulf States Utilities Company (Applicant) filed an application seeking an order under Section 204(a) of the Federal Power Act authorizing the Applicant to issue up to 750,000 Shares of New Preferred Stock, $100 Par Value, over a two year period and seeking exemption from competitive bidding requirements.

Any person desiring to be heard or to make any protest with reference to the application should file a motion to intervene or protest on or before July 6, 1984, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17533 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-321-001]

Natural Gas Pipeline Company of America; Supplement to Request Under Blanket Authorization

June 27, 1984.

Take notice that on June 4, 1984, Natural Gas Pipeline Company of America (Natural), P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP84-321-001 a supplement to a request filed March 28, 1984, in Docket No. CP84-321-000 pursuant to § 157.205 of the Regulations under the Natural gas Act (18 CFR 157.205) requesting the inclusion of "flexible authority" in an end-user transportation service Natural proposes to provide for Lukens Steel Company (Lukens), all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

Natural states that it commenced transporting up to 1.5 billion Btu of natural gas per day pursuant to § 157.205(e)(1) of the Commission's Regulations on behalf of Lukens, an industrial end-user, on February 14, 1984, for a 120-day period which would expire on June 13, 1984. Natural also states that on March 28, 1984, it filed a request in Docket No. CP84-321-000 pursuant to § 157.205 of the Regulations for authorization to continue the service from June 13, 1984, through June 30, 1985. It is explained that this filing was noticed on April 19, 1984, with protests to be filed on or before June 4, 1984.

Natural indicates that it receives gas from Graham Resources, Inc. (Graham), at the interconnection between the facilities of Natural and Graham in Woodward County, Oklahoma. It is further indicated that Natural transports and redelivers such gas on a best-efforts basis to Panhandle Eastern Pipe Line Company (Panhandle), for the account of Lukens at the interconnection between the facilities of Natural and Panhandle in Clark County, Kansas. Lukens has made arrangements with Panhandle, Columbia Gas Transmission Corporation and Columbia Gas of Pennsylvania, Inc., for the subsequent movement of the gas to Lukens' Coatesville; Pennsylvania, plant, it is explained.

Natural requests authorization in Docket No. CP84-321-001 in order to provide "flexible authority" on behalf of Lukens to add and/or delete sources of gas and/or receipt or delivery points. With respect to such "flexible authority" Natural states that it would undertake within 30 days of the addition or deletion of any gas suppliers and/or receipt or delivery points, to file with the Commission the following information:

(1) A copy of the gas purchase contract between the seller and Lukens;

(2) A statement as to whether the supply is attributable to gas under contract to and released by a pipeline or distributor, and if so, identification of the parties and specification of the current contract price;

(3) A statement of the Natural Gas Policy Act of 1978 (NGPA) pricing categories of the added supply, if released gas, and the volumes attributable to each category;

(4) A statement that the gas is not committed or dedicated within the meaning of the NGPA Section 2(18);

(5) Location of the receipt/delivery points being added or deleted;

(6) Where an intermediary participates in the transaction between the seller and end-user, the information required by Section 157.209(c)(ix); and

(7) Identity of any other pipeline involved in the transportation.

Natural submits that any changes made pursuant to such "flexible authority" would be on behalf of the same end-user, Lukens, for use at the same end-use location and would remain within the maximum daily and annual volume levels proposed in Docket No. CP84-321-000. Moreover, Natural proposes to continue to render the transportation under the terms and conditions as proposed for the basic service in Docket No. CP84-321-000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed flexible authority shall be deemed to be granted effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant supplement shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17534 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-449-000]

Natural Gas Pipeline Company of America; Request Under Blanket Authorization

June 27, 1984.

Take notice that on May 30, 1984, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, P.O. Box 1208, Lombard, Illinois 60148, filed in Docket No. CP84-449-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Natural proposes to increase deliveries to Iowa-Illinois Gas and Electric Company (Iowa-Illinois) at a delivery point in Rock Island County, Illinois, under the authorization issued in Docket No. CP84-402-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural proposes to increase from 3,342 Mcf per day to 4,177 Mcf per day the deliveries of natural gas to Iowa-Illinois at the Edgington delivery point in Rock Island County, Illinois. Natural states that it would not be necessary to increase Iowa-Illinois' total entitlements from Natural because of reduced takes of other customers on Iowa-Illinois'

system. The proposed increase would be effected by adjusting Natural's regulators at the Edgington delivery point, it is explained. Natural states that the increased deliveries would enable Iowa-Illinois to serve gas requirements by a customer who would use the gas for grain drying purposes.

Natural further states that its proposal is not prohibited by its existing tariff, that it has sufficient capacity to accomplish the proposed increase in deliveries to Iowa-Illinois without detriment to its other customers, and that there would be no significant impact on Natural's systemwide peak day and annual deliveries.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17535 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-491-000]

North County Resource Recovery Associates; Filing

June 27, 1984.

The filing Company submits the following:

Take notice that on June 12, 1984, North County Resource Recovery Associates (NCRRA) tendered for filing proposed FERC Rate Schedule No. 1, applicable to sales of energy and capacity to San Diego Gas & Electric Company (SDG&E) from a solid waste resource recovery facility to be constructed and operated by NCRRA in San Diego County, California. NCRRA states that this rate schedule is a negotiated Agreement for a Firm Capacity Qualifying Facility Power Purchase and Interconnection by and between ADG&E and NCRRA.

NCRRA requests waiver of the Commission's rule restricting the filing of rate schedules to a period between 60 days and 120 days prior to the date on which the electric service is to commence, waiver of cost of service data, and waiver of the Commission's rules not appropriately applicable to qualifying facilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 6, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17536 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-467-000]

Penn-York Energy Corp., Request Under Blanket Authorization

June 27, 1984.

Take notice that on June 6, 1984, Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-467-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Penn-York proposes to add a delivery point for two existing customers under the authorization issued in Docket No. CP83-27-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Penn-York proposes to construct and operate tap facilities in the Town of Independence, Allegany County, New York, necessary to provide an additional point of delivery to Orange and Rockland Utilities, Inc. (O&R), and UGI Corporation (UGI) through an interconnection with a new pipeline to be constructed and operated by Columbia Gas Transmission Corporation. Penn-York states that the volumes of gas to be provided through the proposed point of delivery are within its presently authorized level of storage service. It is further stated that title to the regulating and measuring facilities would be held by O&R and UGI and that such facilities would be leased to Penn-York for nominal consideration during a primary term ending March 31, 1995. Penn-York would have exclusive operating control of the facilities during the term of the lease, it is explained.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17537 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-439-002]

Southern Natural Gas Co., Petition To Amend

June 27, 1984.

Take notice that on June 7, 1984, Southern Natural Gas Company (Petitioner), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP83-439-002 a petition to amend the order issued November 4, 1983, in Docket No. CP83-439-000 pursuant to section 7(c) of the Natural Gas Act so as to authorize the continued sale of natural gas to New Orleans Public Service, Inc. (NOPSI), for an additional year, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the order of November 4, 1983, authorized Petitioner to sell and transport for one year to NOPSI up to 85,000 Mcf of gas per day on an interruptible basis. Petitioner asserts that the gas was being sold at an initial rate equal to Petitioner's effective Rate Schedule OCD-1 rate adjusted to reflect its current system average load

factor, subject to adjustment to reflect any changes in its Rate Schedule OCD-1 rate.

Petitioner requests authority to continue this sale of gas to NOPSI for an additional year, through November 4, 1985, on the same terms and conditions as originally authorized by the Commission except for modifying the curtailment provision to be applicable only to gas supply deficiency curtailments.

Petitioner states that demand on its system has remained depressed and as of April 30, 1984, Petitioner has paid or accrued take-or-pay payments of $138,765,290. Petitioner would have an anticipated gas surplus of 185,000,000 Mcf in 1985, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 17 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17540 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-97-035]

Tennessee Gas Pipeline Co., Filing of Pipeline Refund Reports and Refund Plans

June 27, 1984.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 6, 1984. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
May 11, 1984	Tennessee Gas Pipeline Co	RP80-97-035	Report.
June 11, 1984	United Gas Pipe Line Co	RP81-81-012	Do.
Do	KN Energy, Inc	TA84-1-53-001	Do.
June 13, 1984	ANR Pipeline Co	RP83-1-001	Do.
June 14, 1984	Pacific Gas Transmission Co	RP81-137-008	Do.
June 19, 1984	Granite State Gas Transmission, Inc	RP84-67-001	Do.

[FR Doc. 84-17541 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 459]

Union Electric Co., Filing of Memorandum of Agreement

June 27, 1984.

Take notice that Union Electric Company, Licensee for the Osage Project, FERC No. 459, on March 22, 1984, filed a draft Memorandum of Agreement between Union Electric Company and the U.S. Army Corps of Engineers, pursuant to the requirements of the license issued on April 19, 1981.

Correspondence with the Licensee may be directed to: Mr. James J. Cook, Attorney, Union Electric Company, P.O. Box 149, St. Louis, Missouri 63166.

The Osage Project is located on the Osage River in Benton, Camden, Miller and Morgan Counties, Missouri. The Memorandum of Agreement is intended to provide for the coordinated operation of the U.S. Army Corps of Engineers' Harry S. Truman Project and the Osage Project so as to assure the optimum utilization of the Osage River for beneficial purposes, including but not limited to, flood control, power and recreation. The Harry S. Truman Project is located directly upstream of the Osage Project. (A copy of the draft Memorandum of Agreement may be obtained by interested parties directly from the Licensee.)

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motions to intervene must be filed on or before August 9, 1984.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS" or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17542 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-360-000]

Amoco Production Co.—Winkleman Dome; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 27, 1984.

On June 11, 1984, Amoco Production Company (Applicant) of 1670 Broadway, Denver, Colorado 80202, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at the Winkleman Dome Oil Field, Fremont County, Wyoming. The facility consists of a combustion turbine gererator and a waste heat recovery boiler. The useful thermal energy output, which is in the form of steam is used in enhanced oil recovery in the "Nugget Heavy Oil Recovery Project" The primary energy source for the facility is natural gas. The electric power production capacity of the facility is 2300 kilowatts. The facility began operation on December 11, 1983.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17529 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-346-000]

Florida Crushed Stone Co., Celotex Cogeneration Facility; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 27, 1984.

On May 29, 1984, Florida Crushed Stone Co., P.O. Box 300, Leesburg, Florida 32748, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be located at the Jim Walter Corporation Celotex Plant in Jacksonville, Florida. The coal-fired turbogenerator will have a net electric power production capacity of 45,400 kilowatts. Steam extracted from the turbine will be used to dry wall board.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17531 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-355-000]

Garden State Paper Company, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 27, 1984.

On June 7 1984, Garden State Paper Company, Inc. (Applicant), of 111 North Fourth Street, Richmond, Virginia 23219, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at the Applicant's newsprint paper mill in Pomona, California. The facility consists of a combustion turbine generator and a waste heat recovery boiler. The useful thermal energy output, which is in the form of process steam, is utilized in paper production processes. The primary energy source for the facility is natural gas with fuel oil as a standby energy source. The electric power production capacity of the facility is 14 megawatts. The facility began operation in 1967

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17532 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-358-000]

Palomar Memorial Hospital; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 27, 1984.

On June 8, 1984, Palomar Memorial Hospital, (Applicant) of 550 East Grand Avenue, Escondido, California 92025, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at 550 East Grand Avenue, Escondido, California. The facility will consist of two units; each unit will consist of a 650 kilowatt reciprocating engine generator set and a waste heat recovery boiler. The useful thermal energy output, which is in the form of 80 PSIG and 15 PSIG steam, will be introduced into the hospital's existing steam system to offset steam currently produced by existing gas fired boilers. The steam system is used for cooling, space heating, domestic hot water production, sterilization, and kitchen and lab steam uses. The primary energy souce for the facility will be natural gas. The electric power production capacity of the facility will be 1300 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17537 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-354-000]

Phillips Chemical Co.—Borger, Texas; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 27 1984.

On May 29, 1984, Phillips Chemical Company, a wholly owned subsidiary of Phillips Petroleum Company, Bartlesville, Oklahoma 74004, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at the Applicant's Borger, Texas carbon black plant. The primary energy source of the facility will be waste in the form of low Btu gases produced from the carbon black production process. The waste gases will be burned in a boiler to produce steam which will be used to operate a steam turbine generator. The electric power production capacity of the facility will be 30 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17539 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-307-000]

Wind Energy Development Corp.—Culebra Facility; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 27 1984.

On May 7 1984, Wind Energy Development Corporation, (Applicant) of 1512 Faure Street, Urb. Villa Canales, Rio Piedras, Puerto Rico 00927 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. On June 11, 1984, supplemental information was filed regarding the facility. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located on the island municipality of Culebra, Puerto Rico. The primary energy source for the facility will be wind. The facility will consist of 52 wind turbine generators rated at 75 kilowatts each. The electric power production capacity of the facility will be 4 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17543 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF84-319-000]

Wind Energy Development Corp.—Vieques Facility; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 27, 1984.

On May 7 1984, Wind Energy Development Corporation (Applicant), of 1512 Faure Street, Urb. Villa Canales, Rio Piedras, Puerto Rico 00927 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. On June 11, 1984, supplemental information was filed regarding the facility. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located on the island municipality of Vieques, Puerto Rico. The primary energy source for the facility will be wind. The facility will consist of 130 wind turbine generators rated at 75 kilowatts each. The electric power production capacity of the facility will be 10 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-17544 Filed 6-29-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59152B/155A; TSH-FRL-2620-1]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of two applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-84-43 and TME-84-46. The test marketing conditions are described below.

EFFECTIVE DATE: June 22, 1984.

FOR FURTHER INFORMATION CONTACT: Joe B. Boyd Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-202, 401 M St. SW., Washington, D.C. 20460, (202-382-3739).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons form premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds

that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME–84–43 and TME–84–46. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time periods and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes, numbers of workers exposed to the new chemicals, and the levels and durations of exposure must not exceed those specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

TME 84–43

Date of Receipt: March 28, 1984.
Notice of Receipt: April 6, 1984 (49 FR 13744)
Voluntary Suspension of Review Period: May 23, 1984 through June 25, 1984.
Applicant: Confidential.
Chemical: (G) Unsaturated amino ester salt.
Use: (G) Chemical intermediate.
Production Volume: Confidential.
Number of Customers: Confidential.
Worker Exposure: Confidential
Test Marketing Period: 3 months.
Commencing on: June 22 1984.
Risk Assessment: Health concerns were identified; however, the estimated worker exposure of the test market substance is expected to be low. No environmental concerns were identified and there will be little environmental release. The test market sustance will not present any unreasonable risk of injury to health or the environment.

TME 84–46

Date of Receipt: April 19, 1984.
Notice of Receipt: April 27 1984 (49 FR 18170).
Voluntary Suspension of Review Period: June 1, 1984 through June 22, 1984.
Applicant: Confidential.
Chemical: (G) Substituted aminoazobenzene.
Use: (G) Functional additive for photolithographic material.
Production Volume: 50 kg.
Number of Customers: 3.
Worker Exposure: Processing and use: Dermal, up to 70 workers.
Test Marketing Period: 1 year.
Commencing on: June 22, 1984.
Risk Assessment: No significant health or environmental concerns were identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not present any unreasonable risk of injury to health or the environment.
Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: June 22, 1984.

Don R. Clay,

Director, Office of Toxic Substance.

[FR Doc. 84-17493 Filed 6-29-84; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 84–631; File No. BP–810911AJ et al.]

Alpha Radio, Inc. et al., Hearing Designation Order

In the matter of applications of Alpha Radio, Inc., Austin, Texas, Req: 720 kHz, 1 kW, 5 kW–LS, DA–2, U (MM Docket No. 84–631, File No. BP–810911AJ); Ganadores Corp., Universal City, Texas, Req: 720 kHz, 1 kW, 10 kW–LS, DA–2, U (MM Docket No. 84–632, File No. BP–820201AM); Mark T. Schweikert and Susan Ronchetti d.b.a. Marble Falls Broadcasting, Marble Falls, Texas, Req: 720 kHz, 1 kW, 5 kW–LS, DA–2, U (MM Docket No. 84–633, File No. BP–820201AN); Radio Systems of Austin, Inc., Austin, Texas, Req: 720 kHz, 1 kW, 5 kW–LS, DA–2, U (MM Docket No. 84–634, File No. BP–820201AO); Austin Minority Radio Association, Inc., Austin, Texas, Req: 720 kHz, 1 kW, 5 kW–LS, DA–2, U (MM Docket No. 84–635, File No. BP–820201AP); and Worden Communications Co., Universal City, Texas, Req: 720 kHz, 1 kW, 5 kW–LS, DA–2, U (MM Docket No. 84–636, File No. BP–820201AQ), for construction permit.

Adopted: June 20, 1984.
Released: June 28, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration: (a) The above-captioned mutually exclusive applications for new AM broadcast stations; (b) petitions to deny each of the above applications filed by WGN Continental Broadcasting Company; (c) a petition to deny the Alpha Radio, Inc. application filed by National Public Radio; (d) an informal objection to the Austin Minority Radio Association, Inc. application filed by Mary E. Dones; (e) a petition to deny the Worden Communications Co. application filed by Ganadores Corporation; and (f) related pleadings.[1]

2. *Technical matters.* WGN Continental Broadcasting Company (WGN), licensee of station WGN, Chicago, Illinois, filed petitions to deny[2] each of the above-captioned applications. The petitions are similar and will be considered here together. WGN asserts that the proposals will cause objectionable interference to the WGN 0.5 mV/m 50% skywave contour. More specifically, WGN asserts first with respect to the Alpha Radio, Inc. (Alpha) application, that the close proximity of the proposed antenna site to the antenna towers of station KIXL will make it impossible to adjust the Alpha nighttime directional antenna system within its standard pattern to protect WGN; petitioner requests that this application be denied. With respect to the remaining five applications, WGN asserts that when these nighttime proposals are subjected to minor variations in their operating parameters the theoretical patterns will exceed the proposed standard patterns. Thus, according to WGN, these five proposals are critical arrays and, if granted, should be conditioned appropriately.

3. We have reviewed the applications in light of WGN's petitions to deny and the applicants' responses thereto. We find first with respect to the Alpha proposal that the close proximity of the two directional antenna systems raises a question of potential reradiation problems. We believe an appropriate proximity condition on its construction permit should the Alpha application be granted to be the proper remedy. See *National Broadcasting Co., Inc. v. FCC*, 362 F. 2d 946 (D.C. Cir. 1966). Concerning the instability allegations against the other five applicants, it is our policy to

[1] These include motions for extensions of time in which to file various responsive pleadings filed by Alpha Radio, Inc., Ganadores Corporation, Austin Minority Radio Association, Inc., and WGN Continental Broadcasting Company. The motions are unopposed and are hereby granted. In addition, petitions for leave to amend were filed by Alpha Radio, Inc., and Ganadores Corporation. However, specific leave is unnecessary as the amendments were filed prior to the last "B" cut-off date (March 12, 1984) for this group of applicants. See § 73.3522(a)(2) of the Commission's Rules.

[2] WGN Continental Broadcasting Company has standing to file its petitions to deny based on the possibility of objectionable electrical interference being caused to its station WGN. *FCC v. National Broadcasting Company*, 319 U.S. 239 (1943).

consider as being generally stable directional arrays which do not exceed their radiation limits with 1.0 percent current ratio variation and 1.0 degree phase deviation. We consider those arrays which exceed their radiation limits with parameter variations of 0.1 percent and 0.1 degree highly unstable. Where arrays exceed their radiation limits within these parameter variations, we will condition a grant accordingly.[3] Our computerized studies here indicate that all five operations would exceed specified standard radiation values with variations of 1.0 percent current ratio deviation and 1.0 degree phase deviation. Thus the proposals fall into the category where stability conditions are called for. To this extent, we will grant the WGN petitions to deny.

4. *Public notice.* Section 73.3580 of the Commission's Rules requires broadcast applicants to publish a local notice of the filing of their applications. We have no evidence that Ganadores and Worden have complied with the rule; these applicants must therefore comply with the rule, if they have not, and file the required certification with the Administrative Law Judge within thirty days of the release of this Order.

5. *Coverage questions.* Both Radio Systems and Minority Radio seek waivers of Section 73.24(j) insofar as this provision requires that the proposed nighttime interference-free contour encompass all residential areas of the community of license. Both proposals comply substantially with the requirement, however, making waiver unnecessary.

6. *Federal Aviation Administration questions.* The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by Ganadores Corporation and Worden Communications Company. Accordingly, appropriate issues will be specified.

7 *Alpha Radio, Inc.* National Public Radio (NPR) filed a petition to deny alleging that the applicant fails to meet any of the acceptance criteria of § 73.37(e)(2) of the Commission's Rules. Alpha, in opposition, asserts that it is controlled by minority persons and as such may file an acceptable proposal pursuant to § 73.37(e)(2)(iv) of the Rules. NPR has now filed a motion to withdraw its petition to deny. We will grant NPR's motion to withdraw.

8. The environmental narrative statement submitted by Alpha did not contain a statement as to whether construction of the facilities has been a source of controversy in the community as required by § 1.1311(a)(4) of the Commission's Rules. Accordingly, Alpha will be required to comply with § 1.1311(a)(4) and file the required environmental narrative statement with the presiding Administrative Law Judge within thirty days of the release of this Order. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Section 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979), *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

9. *Austin Minority Radio Associates, Inc.* Citing the control of Austin Minority by persons "involved in politics" in the State of Texas, Mary E. Dones suggests that the proposed new station will be "politically inclined" and will be used by these principals for their "own political endeavors." No specific allegations of facts underlie this suggestion, however, and we must deny the informal objection as mere speculation as a result.

10. *Worden Communications Company.* Ganadores Corporation has filed a petition to deny this proposal centering upon our grant of Worden's petition for reconsideration of our intitial return of its application. At issue is the timing of Worden's filing of its petition for reconsideration. We agree with Worden that the 30-day period afforded it for the filing began one day after release of our Public Notice describing the original return. (Section 1.4(b)(3) of our Rules.) In this case that date was October 20, 1983, the Public Notice (Report No. 18925) having been released October 19, 1983. Under this standard, the petition for reconsideration was timely filed and the application properly accepted for filing.

11. Except as indicated by the issues specified below the applicants are qualified to construct and operate as proposed.[4] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. As the proposals are for different communities, we will specify issues to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which proposal (or combination of proposals) would best provide a fair, efficient and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

12. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. If a final environmental impact statement is issued with respect to the proposal of Alpha Radio, Inc., which concludes that the proposed facility is likely to have an adverse effect on the quality of the environment, to determine:

a. Whether the proposal is consistent with the National Environmental Policy Act, as implemented by Sections 1.1301–1319 of the Commission's Rules; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the heights and locations of the antenna towers proposed by Ganadores Corporation and Worden Communications Company.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural services to such areas and populations.

4. To determine in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals (or combination of proposals) would best provide a fair, efficient, and equitable distribution of radio service.

5. To determine in the event it is concluded that a choice among applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

13. It is further ordered, that the Federal Aviation Administration is made a party to these proceedings.

[3] Where other factors internal and/or external to the array warrant it, a hearing issue may be specified. Such circumstances, however, have not been established here.

[4] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

14. It is further ordered, that the petitions to deny filed by WGN Continental Broadcasting Company are granted to the extent set out herein and are denied in all other respects.

15. It is further ordered, that Ganadores Corporation and Worden Communications Company comply with the public notice requirements of § 73.3580 of the Commission's Rules, if they have not done so, and certify as to that fact with the presiding Administrative Law Judge within thirty (30) days of the release of this Order.

16. It is further ordered, that the petition to deny filed by National Public Radio is dismissed.

17 It is further ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within thirty (30) days of the release of this Order Alpha Radio, Inc., shall submit the amended environmental narrative required by § 1.1311 of the Commission's Rules to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

18. It is further ordered, that the informal objection filed by Mary E. Dones is denied.

19. It is further ordered, that the petition to deny filed by Ganadores Corporation is denied.

20. It is further ordered, that should a construction permit be granted Alpha Radio, Inc., it shall be conditioned as follows:

Prior to construction of the tower authorized herein, permittee shall notify AM stations KIXL and KTXZ so that if necessary, the AM stations may determine operating power by the in direct method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM stations. Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by § 73.154(a) of the Commission's Rules shall be conducted to establish that the AM arrays have not been adversely affected and prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission.

21. It is further ordered, that should construction permits be granted for the applications of Ganadores Corporation; Mark T. Schweikert and Susan Ronchetti d/b/a Marble Falls Broadcasting; Radio Systems of Austin, Inc., Austin Minority Radio Association, Inc. or Worden Communications Co., they shall be conditioned as follows:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample current ratio deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array to insure maintenance of the radiated fields within the standard pattern values of radiation.

Upon the receipt of operating specifications and before issuance of a license, the permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios and sample current ratio deviations for each element of the array along with the final amplifier plate voltage and current, the common point current, and the field strengths at each monitoring point for both the nondirectional and directional nighttime operations for a period of at least thirty days, to demonstrate that the array can be maintained within the specified tolerances.

22. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the parties shall within 20 days of the mailing of this Order, in person or by attorney, file with Commission, in triplicate, written apperarances stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, that pursuant to section 311(a) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of hearing as prescribed in the rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-17459 Filed 6-29-84; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1464]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

June 22, 1984.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Corporate Ownership Reporting and Disclosure by Broadcast Licensees. (Docket No. 20521)

Amendment of §§ 73.35, 73.240 and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations. (Docket No. 205.48)

Amendment of §§ 73.35, 73.240, 73.636 and 76.501 of the Commission's Rules relating to Multiple Ownership of AM, FM, and Television Stations and CATV Systems. (BC Docket No. 78-239)

Reexamination of the Commission's Rules and Policies Regarding the Attribution of Ownership Interests in Broadcast, Cable Television and Newspaper Entities. (MM Docket No. 83-46, RM's 3853, 3695 & 4045)

Filed by: Michael Couzens, P.C., on 6-4-84. Robert S. McConnaughey & Remsey L. Woodworth, Attorneys for American Council of Life Insurance on 6-3-84.

Subject: Private Lines Rate Structure and Volume Discount Practices. (CC Docket No. 79-246)

Filed by: Francine J. Berry, Braden R. Allenby, J. Richard Devlin & Mart Vaarsi, Attorneys for American Telephone and Telegraph Company on 5-29-84.

Arthur H. Simms, Attorney for The Western Union Telegraph Company on 5-29-84.

J. Manning Lee & Jeffrey H. Matsuura, Attorneys for Satellite Business Systems on 5-29-84.

Subject: Deregulation of Radio. (BC Docket No. 79-219, Rm's 3099 & 3273)

Filed by: Thomas Schattenfield, Attorney for the National Radio Broadcasters Association on 6-4-84.

Subject: Changes in the corporate structure and operations of the Communications Satellite Corporation. (CC Docket No. 80-634)

Filed by: Ballard Jamieson, Jr. & Barry Fleishman, Attorneys for United Setellite Action on 6-4-84.

Dr. Jeffrey Krause, Vice President & Director, Corporate Affairs & Ballard Jamieson, Jr. & Barry J. Fleishman, Attorneys for M/A-COM, Inc., on 6-4-84.

Lawrence M. Devore, Vice President, Law and Administration, World System Division & J. Roger Wollenberg, Sally Katzen, Richard E. Wiley & Philip V. Permut, Attorneys for Communications Satellite Corporation on 6-4-84. (Incorporated data in Comsat's tariffs filed 5-15-84)

Subject: Amendment of Parts 2 and 73 of the Commission's Rules concerning use of subsidiary communications

aurthorization. (BC. Docket No. 82-536)
Filed by: Jamice E. Kerr, J. Calvin Simpson & Jeffrey B. Thomas, Attorneys for the People of the State of California and the Public Utilities Commission of the State of California on 6-8-84.
Subject: Investigation of access and Divestiture Related Tariffs. (CC Docket No. 83-1145, Phase I)
Filed by: Randall B. Lowe & Tanina D. Liammari, Attorneys for The Association of Long Distance Telephone Companies on 5-30-84.
David E. Blabey, Attorney for the New York State Public Service Commission on 6-8-84.
John B. Messenger, Saul Fisher & William R. Blane, Attorneys for the NYNEX Companies of 6-11-84.
Kevin H. Cassidy, J. Manning Lee & Richard M. Singer, Attorneys for Satellite Business Systems on 6-11-84.
William A. Spratley, Consumers' Counsel Bruce J. Weston, Janine L. Migden & Maureen R. Grady, associate Consumers' Counsels for the Office of The Consumers' Counsel, State of Ohio on 6-14-84.
Subject: Investigation of Access and Divestiture Related Tariffs. (CC Docket No. 83-1145, Phase I)
MTS and WATS Market Structure. (CC Docket No. 78-72, Phase I)
Filed by: John W. Johnson, Executive Vice President for American Collectors Association, Inc., on 5-22-84.
Ian D. Volner & N. Frank Wiggins, Attorneys for National Federation of Independent Business on 6-6-84.
Randall B. Lowe, Attorney for Allnet Communication Services, Inc., on 6-14-84.
Carl Wayne Smith, Assistant Regulatory Counsel for the Secretary of Defense on behalf of the consumer interests of the Department of Defense, the General Services Administration, and all the other Federal Executive Agencies on 6-14-84.
Subject: Repeal of the "Regional Concentration of Control" Provision of the Commission's Multiple Ownership Rules. (MM Docket No. 84-19, RM-4564)
Filed by: Andrew Buchsbaum & Wilhelmina Reuben Cooke, Attorneys for Black Citizens for a Fair Media on 5-31-84.
Subject: Amendment of Subparts F and L of Part 74 to permit use of alternate input sources for FM broadcast translator stations and to permit uniform 10 watt FM translator power. (RM-3914)
Filed by: Jeffrey D. Southmayd, Attorney for The Moody Bible Institute of Chicago on 6-18-84.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 84-17466 Filed 6-29-84; 8:45 am]
BILLING CODE 6712-01-M

[MM Docket No. 84-629; File No. BP-830520AB et al.]

Salinas-Monterey Radio, Inc. et al., Hearing Designation Order

In the matter of applications of Salinas-Monterey Radio, Inc., KXES, Salinas, California, Has: 1570 kHz, 250 W, D, Req: 1570 kHz, 5 kW, DA-D (MM Docket No. 84-629, File No. BP-830520AB), and Five Cities Radio, Grover City, California, Req: 1570 kHz, 5 kW, DA-D (MM Docket No. 84-630, File No. BP-830930AG), for construction permit.

Adopted: June 20, 1984.
Released: June 28, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new and modified AM broadcast stations.

2. *Environmental Narrative Statement Issue.* The environmental narrative statement submitted by Five Cities Radio, as required by § 1.1311 of the Commission's Rules, is deficient as follows: (a) It fails to state whether the proposal is a source of local controversy on environmental grounds in the community; (b) it fails to describe the land uses surrounding the site; (c) it fails to include information concerning access roads to the site, zoning classifications (if any), and available power lines.

3. Consequently, Five Cities Radio will be required to file within 30 days of the release of this Order an amended environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Audio Services Division, who will then proceed regarding this matter in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules is waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. *See Golden State Broadcasting Corp.*, 71 FCC 2d 229 (1979); *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 FCC 2d 337 (1980).

4. *FAA Issues.* The Commission has not yet received Federal Aviation Administration clearance for the antenna tower proposed by Five Cities Radio. Therefore, an appropriate issue will be specified.

5. *Other Matters.* Salinas-Monterey Radio, Inc. indicated in its application that photographs of the proposed transmitter site would be supplied to the Commission. However, we have no evidence that either Salinas-Monterey Radio, Inc. or Five Cities Radio has filed photographs of its proposed transmitter site. To remedy these deficiencies, both applicants are required to file appropriate photographs with the presiding Administrative Law Judge.

6. Except as indicated by the issues below, both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding. As the proposals are for different communities, we will specify issues to determine pursuant to § 307(b) of the Communications Act of 1934, as amended, which proposal would better provide a fair, efficient and equitable distribution of radio service. We will also specify a contingent comparative issue, should such an evaluation of the proposals prove warranted.

7 Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent order upon the following issues:

1. If a final environmental impact statement is issued with respect to Five Cities Radio which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment, to determine:

(a) Whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules, and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

2. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height and location proposed by Five Cities Radio.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

4. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

9. It is further ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein. Within 30 days of the release of this Order, Five Cities Radio shall submit the amended environmental narrative required by Section 1.1311 of the Rules to the presiding Administrative Law Judge, with a copy to the Chief, Audio Services Division.

10. It is further ordered, that Salinas-Monterey Radio, Inc. and Five Cities Radio file photographs of their proposed transmitter sites with the presiding Administrative Law Judge within 30 days of the release of this Order.

11. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the Rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84-17480 Filed 6-29-84; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collections Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New Collection

Title: Organization Climate Assessment

Abstract: The Organization Climate Assessment will be an integral part of a two-week training program for top management staffs of selected fire service organizations. Assessment analysis will provide a specific data base for the National Fire Academy in order to design and deliver executive development training to the organization.

Type of respondents: State or Local Governments

Number of respondents: 2,000

Burden Hours: 1,000

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287-3300, 500 C Street, SW., Washington, D.C. 20472.

Comments should be directed to Ken Allen, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: June 26, 1984.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 84-17470 Filed 6-29-84; 8:45 am]

BILLING CODE 6710-01-M

[Docket No.: FEMA-REP-7-MO-2]

The Missouri Emergency Preparedness Plan Site-Specific for the Cooper Nuclear Station

Action: Certification of FEMA findings and determination.

In accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR Part 350, the State of Missouri submitted its plans relating to the Cooper Nuclear Station to the Director of FEMA Region VII on May 28, 1983, for FEMA review and approval. On November 30, 1983, the Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the FEMA rule. Included in this evaluation is a review of the State and local plans around the Cooper Nuclear Station, and evaluations of the joint exercises conducted on March 10, 1982, and April 6, 1983, in accordance with § 350.9 of the FEMA rule, and a report of the public meeting held on August 6, 1981, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the FEMA rule. In addition the Regional Director submitted an addendum dated May 22, 1984, that considered the revision in plans and preparedness since the final report on the April 6, 1983, exercise. This last evaluation reported that the remaining outstanding deficiencies have been resolved.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Cooper Nuclear Station are adequate to protect the health and safety of the public living in the vicinity of the plant. These offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alert and notification system already installed and operational must be verified as meeting the standards set forth in appendix 3 of the Nuclear Regulatory Commission (NRC)/FEMA criteria of NUREG-0654/FEMA-REP-1, Revision 1.

FEMA will continue to review the status of offsite plans and preparedness associated with the Cooper Nuclear Station in accordance with section 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA-REP-7-MO-2 maintained by the Regional Director, FEMA Region VII, 911 Walnut Street, 2nd Floor, Kansas City, Missouri 64106.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 84-17474 Filed 6-29-84; 8:45 am]

BILLING CODE 6710-01-M

[Docket No.: FEMA-REP-7-NE-2]

The Nebraska Emergency Preparedness Plan Site-Specific for the Cooper Nuclear Station

ACTION: Certification of FEMA findings and determination.

In accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR 350, the State of Nebraska submitted its plans relating to the Cooper Nuclear Station to the Director of FEMA Region VII on May 11, 1983, for FEMA review and approval, On November 30, 1983, the Regional

Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the FEMA rule. Included in this evaluation is a review of the State and local plans around the Cooper Nuclear Station, and evaluations of the joint exercises conducted on March 10, 1982, and April 6, 1983, in accordance with § 350.9 of the FEMA rule, and a report of the public meeting held on August 6, 1981, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the FEMA rule. In addition the Regional Director submitted an addendum dated May 22, 1984, that considered the revision in plans and preparedness since the final report on the April 6, 1983, exercise. This last evaluation reported that the remaining outstanding deficiencies have been resolved.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Cooper Nuclear Station are adequate to protect the health and safety of the public living in the vicinity of the plant. These offsite plans and preparedness are assessed as adequate in that they provide reasonable assurance that appropriate protective actions can be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alert and notification system already installed and operational must be verified as meeting the standards set forth in appendix 3 of the Nuclear Regulatory Commission (NRC)/FEMA criteria of NUREG–0654/FEMA–REP–1, Revision 1.

FEMA will continue to review the status of offsite plans and preparedness associated with the Cooper Nuclear Station in accordance with section 350.13 of the FEMA rule.

For further details with respect to this action, refer to Docket File FEMA–REP–7–NE–2 maintained by the Regional Director, FEMA Region VII, 911 Walnut Street, 2nd Floor, Kansas City, Missouri 64106.

For the Federal Emergency Management Agency.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 84–17475 Filed 6–29–84; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.. 202–000057–136.

Title: Pacific Westbound Conference.

Parties:

American President Lines, Ltd.
Japan Line Ltd.
Kawasaki Kisen Kaisha
A.P Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
Sea-Land Service, Inc.
Showa Line, Ltd.

Synopsis: The proposed modification to the agreement would broaden the scope of permissible independent action by allowing independent action on any conference rate or service item (except for service contracts), regardless of whether the rate or service item is required to be published in the tariff pursuant to section 8(a) of the Shipping Act of 1984.

Agreement No.. 202–007680–049

Title: American West African Freight Conference.

Parties:

America-Africa Line
Barber West Africa Line
Cameroons Shipping Line
Companhia Nacional de Navegacao
Delta Steamship Lines, Inc.
Farrell Lines, Inc.
MedAfrica Line
Nigeria America Line, Ltd.
Societe Ivoirienne de Transport Maritime
Torm West Africa Line
Westwind Africa Line

Synopsis: The proposed amendment reduces the independent action notice period from fourteen to ten days.

Agreement No.. 202–007680–050.

Title: American West African Freight Conference.

Parties:

America-Africa Line
Barber West Africa Line
Cameroons Shipping Line
Companhia Nacional de Navegacao
Delta Steamship Lines, Inc.
Farrell Lines, Inc.
MedAfrica Line
Nigeria America Line, Ltd.
Societe Ivoirienne de Transport Maritime
Torm West Africa Line
Westwind Africa Line

Synopsis: The proposed amendment makes additions and/or changes to the agreement's provisions dealing with neutral body policing, undue preference or advantage, consultation, shippers' requests and complaints, independent action and service contracts.

Agreement No.. 202–009420–009.

Title: United States Great Lakes and St. Lawrence River Ports West Africa Conference Agreement.

Parties:

Black Star Line Ltd.
Westwind Africa Line

Synopsis: The proposed amendment makes additions and/or changes to the agreement's provisions dealing with neutral body policing, undue preference or advantage, consultation, shippers' requests and complaints, independent action and service contracts.

Agreement No.. 207–010482–001.

Title: Italia/D'Amico Joint Service Agreement.

Parties:

"Italia" Di Navigazione S.P.A.
D'Amico Societa Di Navigazione Per Azioni

Synopsis: The proposed amendment would modify the agreement by increasing the capacity limitation of the joint service from 3,406 TEU's to 4,200 TEU's and would authorize the joint service to employ an additional vessel to meet seasonal shipper demand not to exceed four voyages per year.

Agreement No.. 202–010604.

Title: U.S. Gulf—European Breakbulk Commodity Conference Agreement.

Parties:

International Navigation Limited (Forest Lines)
Lykes Bros. Steamship Co., Inc.

Synopsis: The proposed agreement establishes conference agreement in the trade between ports on the United States Gulf Coast, on the one hand, and Continental Europe ports in the Bordeaux-Hamburg range, the United Kingdom, the Republic of Ireland, Scandinavia and Baltic ports, on the other, including upriver ports and points on inland waterways tributary to all

such ports and ranges, whereby the parties shall provide a liner vessel service in the trade and establish, maintain and enforce agreed rates, charges, rules and practices governing the transportation of cargo moving in all water service.

By Order of the Federal Maritime Commission.

Dated: June 26, 1984.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-17526 Filed 6-29-84; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Bahama Cruise Line, Inc., Challenge Shipping Limited and Billingshurst Shipping Ltd, c/o Bahama Cruise Line, Inc., 61 Broadway—Suite 2518, New York, New York 10006.

June 25, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-17527 Filed 6-29-84; 8:45 am]

BILLING CODE 6730-01-M

[C.O. 1, Amdt. No. 5]

Organization and Functions of the Federal Maritime Commission

The following delegation of authority is made to the Director, Bureau of Agreements and Trade Monitoring, to facilitate implementation of the Shipping Act, 1984, effective June 18, 1984.

Commission Order 1 is amended by adding the following new sub-section 8.12 to Section 8 *Specific Authorities Delegated to the Director, Bureau of Agreements and Trade Monitoring:*

8.12 Authority to allow termination of the review period prescribed in section 6(c)(1) and shorten the review period under section 6(e) of the Shipping Act, 1984, in regard to unopposed modifications to terminal conference agreements and unopposed terminal leases, licenses, assignments or other agreements of a similar character for the use of terminal property or facilities between persons subject to said Act.

Dated: June 20, 1984.

Alan Green, Jr.,

Chairman.

[FR Doc. 84-17409 Filed 6-29-84; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-84-1405]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Mangement and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20505.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-6374. This not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Community Housing Resource Board Program
Office: Fair Housing and Equal Opportunity
Form Number: None
Frequency of Submission: On Occasion
Affected Public: Individuals or Households and Small Businesses or Organizations
Estimated Burden Hours: 19,800
Status: New
Contact: Nathaniel K. Smith, HUD, (202) 755-5992; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 21, 1984.

Dennis F. Geer, Director,

Office of Information Policies and Systems.

[FR Doc. 84-17504 Filed 6-29-84; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-84-1406]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 10503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410,

telephone (202) 755-6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Request for Preapplication analysis (Title X)
Office: Housing
Form No.. FHA-3550
Frequency of Submission: On Occasion
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 100
Status: Extension
Contact: Edwin Baker, HUD, (202) 426-7530, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 13, 1984.

Proposal: Appraiser Checksheets for Properties Located in Partially or Fully Completed Subdivisions
Office: Housing
Form Nos. HUD-54891 and HUD-54891A
Frequency of Submission: On Occasion
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 3,750
Status: New
Contact: William A. Rolfe, HUD, (202) 755-3446, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 13, 1984.

Robert F. Fagin,
Deputy Director, Office of Information Policies and Systems.

[FR Doc. 84-17565 Filed 6-29-84; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N-84-1407]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.
ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755-6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 8 Housing Voucher Program
Office: Housing
Form No.. None
Frequency of Submission: Monthly, Quarterly, Annually, and On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 240
Status: New
Contact: Myra E. Newbill, HUD, (202) 755-7707 Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 13, 1984.

Proposal: Environmental Review Procedures
Office: Community Planning and Development
Form No.. None
Frequency of Submission: Recordkeeping and On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 44,000
Status: New
Contact: Charles E. Thomsen, HUD, (202) 755-6611, Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 13, 1984.

Robert F. Fagin,
Deputy Director, Office of Information Policies and Systems.

[FR Doc. 84-17566 Filed 6-29-84; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; Revision and Deletion of Systems of Records

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, as amended, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organization changes and other minor administrative revisions which have occurred since the previous publication of the material in the Federal Register.

The system of records notice titled "Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3" was previously published in the Federal Register on July 17 1981 (46 FR 37090). The statement describing the categories of records in the system is amended, and the material describing the storage and safeguards for confidential statements of employment and financial interests is revised. The amended notice is published in its entirety below.

The system of records notice titled "Private Relief Claimants, Bureau—Office of the Secretary—13" was previously published in the Federal Register on April 11, 1977 (42 FR 19017). The notice is revised to delete references to the Geological Survey which no longer maintains such records. The statement concerning routine disclosures to Members of Congress is clarified, and the retention and disposal descriptions are revised. The amended notice is publish in its entirety below.

Two notices are deleted from the inventory of systems of records maintained by the Department. The notice titled "Supervisors' Records of Employees—Interior, Office of the Secretary—75" previously published at 42 FR 19028 (4–11–77), is deleted because the records are now covered by the Office of Personnel Management government-wide notices OPM/GOVT–1 and OPM/GOVT–2. The notice titled "Position Control—Interior, Office of the Secretary—89" previously published at 47 FR 27982 (6–28–82), is deleted because the records no longer exist as a separate system, having been incorporated into the Department's automated payroll and personnel (PAY/PERS) records system.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before August 1, 1984, will be considered. The notices shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: June 25, 1984.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

INTERIOR/OS–3

SYSTEM NAME:

Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—

SYSTEM LOCATIONS:

(1) Office of the Assistant Secretary—Policy, Budget and Administration, Interior, 18th and C Streets, N.W., Washington, D.C. 20240; (2) Bureau and Office of Ethics Counselors, Deputy Ethics Counselors, and Assistant Ethics Counselors. (A list may be obtained from the Deputy Agency Ethics Official, Office of the Assistant Secretary—Policy, Budget and Administration.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present or past Department employees required to file financial interests or disclosure statements as required by in 5 CFR Part 734, 43 CFR Part 20, or 30 CFR Part 706; and, present or past Department employees subjected to remedial or disciplinary action for conflicts of interest or other ethics violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains confidential statements of employment and financial interests (forms DI–212, DI–212A, DI–213, or DI–278) for present or past Interior Department employees required to file such statements. Contains Public Financial Disclosure Reports required by the Ethics in Government Act of 1978 (form SF–278) for present or past incumbents in positions required to file such statements. Also contains records of conflict of interest decisions and appeals, analysis of financial holdings, employee statements, bureau or office comments, and supervisor comments on present or past employees, as requested by the bureau or office counselors or as needed by the Designated Agency Ethics Official.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 7301; (2) 16 U.S.C. 1912; (3) 30 U.S.C. 1211; (4) 42 U.S.C. 6392; (5) 43 U.S.C. 1743; (6) 43 U.S.C. 1864; (7) Executive Order No. 11222, 18 U.S.C. 201 note; (8) 5 CFR Parts 734 and 738; and (9) 43 CFR Part 20.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are: (a) To review employee financial interests and determine employee compliance or non-compliance with applicable conflict of interest statutes and regulations, and to effect remedial and disciplinary action where non-compliance is ascertained; (b) to record in fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and that he or she is in compliance with such specific legislation or regulations; (c) to provide the public with access to, and to adequately control access to, financial disclosure reports which must by statute be made available to the public; and (d) to provide an adequate system of records for Departmental auditors performing compliance audits within the Department.

Disclosures outside of the Department may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual; (3) to federal, state, tribal, territorial or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (4) to a federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (5) to the Office of Personnel Management to perform oversight reviews; (6) to the public for only those records covered by specific statutes requiring their public disclosure; (7) to appropriate federal, state, tribal, territorial, local or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing, implementing, or administering a statute, rule, regulation, program, facility, order, lease, license, contract, grant, or other agreement; (8) to a federal, state, tribal, territorial, local or foreign agency, or an organization, or an individual when reasonably necessary to obtain information or

assistance relating to an audit, investigation, trial, hearing, preparation for trial or hearing, or any other authorized activity or the Department; (9) to an appropriate federal, state, tribal, territorial, local, or foreign court or grand jury in accordance with established constitutional, substantive, or procedural law or practice; (10) to an actual or potential party or his or her attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; and (11) to a foreign government pursuant to an international treaty, convention, or executive agreement entered into by the United States.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

(1) For confidential statements of employment and financial interests, DI-212, DI-212A, and DI-213:

STORAGE:

Maintained in file folders, word processing equipment storage media, and computer disks and output.

RETRIEVABILITY:

For each bureau and office, information is filed alphabetically by position or employee name.

SAFEGUARDS:

Maintained in locked file cabinets in locked rooms; manual files, standard passworded files on word processor, and software are accessible to authorized persons only. Access to computer files is restricted by the use of file passwords and file encryption.

RETENTION AND DISPOSAL:

(1) Disposal will be made two years after an employee leaves a position requiring the filing of the statement.

(2) For Public Disclosure Statements of Known Financial Interest, SF-278; and Confidential Supplement Form DI-278:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by bureau, alphabetically by employee name in the Office of the Assistant Secretary—Policy, Budget and Administration.

SAFEGUARDS:

Maintained in locked file cabinets or in locked rooms; manual files, standard passworded files and software are accessible to authorized persons only.

RETENTION AND DISPOSAL:

Disposal will be made six years after the year of receipt unless needed in an ongoing investigation.

SYSTEM MANAGER AND ADDRESS:

Designated Agency Ethics Official, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURES:

Inquiries may be addressed to the System Manager identified above, or to the appropriate Bureau or Office Ethics Counselor. (A list of Ethics Counselors can be obtained from the System Manager.) (See 43 CFR 2.60 for procedures on making inquiries.)

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager, identified above, or to the appropriate Bureau or Office Ethics Counselor. (A list of Ethics Counselors can be obtained from the System Manager.) The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor. (A list may be obtained from the System Manager) and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Present Department employees who are, or past-Department employees who were, required to file financial interest statements, and Department bureaus and offices.

INTERIOR

SYSTEM NAME:

Private Relief Claimants, Bureau—Office of the Secretary—13.

SYSTEM LOCATION:

(1) Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245. (2) Bureau of Land Management, Office of Legislation and Regulatory Management, 18th and C Streets, NW., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual claimants against the United States seeking remedy through private relief bills for claims involving the programs and activities of the Department of the Interior.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of relief bills and Congressional committee reports, Departmental reports on bills, correspondence, information compiled in connection with the claims, communications of requests from the sponsor of the bill on the claimant's attorney.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301. 43 U.S.C. 1457 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to support legislation for the relief of private claimants. Disclosures outside the Department of the Interior may be made (1) to Congress on the basis and validity of claims; (2) to another Federal agency having a subject matter interest in a claim; (3) to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular; (4) to the Congressional sponsor of a private relief bill and to representatives of the individual who is subject of the legislation; (5) to the U.S. Department of Justice when related to litigation or anticipated litigation; (6) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (7) to a Member of Congress from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained manually in file folders.

RETRIEVABILITY:

Cross-indexed by name of claimant.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

In accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Congressional and Legislative Staff, Room 4639, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245. (2) Chief, Office of Legislation and Regulatory Management, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the appropriate System Manager listed above. The inquiry must be in writing and state that the individual seeks information concerning records pertaining to him. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Same as Notification. See 43 CFR 2.63 for additional content requirements for requests.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Congress, individual claimants, bureaus and offices of the Department.

[FR Doc. 84-17501 Filed 6-29-84; 8:45 am]
BILLING CODE 4310-10-M

Bureau of Indian Affairs

Forest County Potawatomi Community; Plan for the Use of Certain Judgment Funds of the Forest County Potawatomi Community in Dockets 15-K, 29-J and 217 and Dockets 15-M, 29-K and 146 Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

A plan for the use of certain funds of the Forest County Potawatomi Community, Wisconsin, pursuant to the provisions of the Act of October 19, 1973, 87 Stat. 466 became effective on March 6, 1978. Under the plan, a percentage of the community's share of the Potawatomi judgment funds awarded in Dockets 15-K, 29-J and 217 and Dockets 15-M, 29-K and 146 was set aside for the program aspect of the plan to be developed at a later date. Plan for the use of the judgment funds of the Forest County Potawatomi Community was submitted to the Congress by a letter dated January 12, 1984, and was received (as recorded in the Congressional Record) by the Senate and the House of Representatives on January 23, 1984. Since the plan lay before Congress, as provided in the Secretarial plan of March 6, 1978, for thirty days without disapproval action being taken by Congress, the plan became effective on March 4, 1984.

The plan reads as follows:

"The program aspect of the plan established by the Potawatomi Indians of the Forest County Potawatomi Community of Wisconsin, pursuant to the Act of October 19, 1973, 87 Stat. 466, provides that the balance of the funds remaining of the tribe's share of the judgment funds awarded in Dockets Nos. 15-K, 29-J and 217 and Dockets Nos. 15-M, 29-K and 146, shall be utilized in the following manner:

'Forest County Potawatomi Community, Wisconsin. The program aspects for the community plan shall include the utilization of twenty (20) percent of the judgment fund principal and interest and investment income accruing thereon, in an Elderly Assistance Program *and the balance of the funds shall be held and invested by the Secretary until such time the community develops a further plan for the use of the funds, which plan shall be subject to Secretarial approval.* The Secretary shall approve no plan until at least thirty days after the plan has been submitted to the Congress.' (Underscoring supplied.)

Pursuant to Resolution No. 288-GC, adopted on July 6, 1983, the General Council consented to a portion of its program funds, which are proposed for economic development purposes, being utilized in the purchase of the following heavy equipment: Backhoe, front-end loader, bulldozer, and a dump truck. The program funds shall continue to be invested by the Secretary of the Interior, pursuant to 25 USC 162a, until such time the funds are needed in the purchase of the equipment.

Should any funds be determined in excess of needs for economic development purposes, appropriate adjustments may be made to utilize such funds in any other community development programs proposed and approved by the General Council, with such adjustments to be covered in annual tribal budgets, with the approval of the Secretary."

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 84-17443 Filed 6-29-84; 8:45 am]
BILLING CODE 4310-02-M

San Carlos Irrigation Project, Arizona; Fiscal Year Operation and Maintenance Charges

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: General notice.

SUMMARY: The purpose of the general notice is to change the per acre assessment rate for the operation and maintenance of the irrigation facilities of the Joint Works of the San Carlos Irrigation Project to properly reflect the cost of labor, materials, equipment and services. The change is from $23.37 per acre to $28.69 per acre per year.

EFFECTIVE DATE: This general notice shall become effectively July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Ralph Esquerra, Project Engineer, San Carlos Irrigation Project, P.O. Box 250, Coolidge, Arizona 85228, telephone (602) 723-5439.

SUPPLEMENTARY INFORMATION: A study of the costs of operation, maintenance and replacements of the Joints Works of the San Carlos Irrigation Project was made and on April 12, 1984, was presented to the Fact Finding Committee which is made up of representatives from the Gila River Indian Community, San Carlos Irrigation and Drainage District (SCIDD), Pima Agency, San Carlos Irrigation Project, and the Phoenix Area Office. SCIDD made comments objecting to the contents of the study, while other waterusers represented did not raise any objections. Careful consideration has been given to SCIDD's written and oral responses, the reasons for SCIDD responses, the information supporting such reasons and additional revelant information effecting on O&M charges.

The Project Engineer submitted his recommendation to the Phoenix Area Director recommending a change in the per acre assessment rate for the operation and maintenance of the irrigation facilities of the Joint Works of the San Carlos Irrigation Project for Fiscal Year 1985 and subsequent years thereafter, until further notice, at a rate of $29.12 per acre for land under the project. The revenue to be derived from the assessment would provide for the projected costs of labor, materials and supplies and the cost associated with establishing a reserve fund, equipment replacement, safety of dams and power for irrigation pumping.

In response to a request of the San Carlos Irrigation and Drainage District (SCIDD), a meeting was held between the District and the Phoenix Area Director. At this meeting, the District presented a written document providing

discussion of the concerns and objections that the District had with the Project Engineer's recommendation for a rate change with supporting studies. Careful consideration was given to SCIDD's written and oral presentation, the issues raised by SCIDD, and the information supporting such issues and other information available to the Area Director to fix a final assessment rate.

The District in their written presentation, presented arguments with supporting information to adjust only budget line items for deep well pumping and reserve funds. Under *Reserve Fund*, the District felt only $50,000 should be budgeted for emergency repairs and/or replacement of project facilities and that the total of the reserve fund should be approximately 10% of annual O&M budget as opposed to 25% recommended by the Project Engineer. It is Bureau policy to encourage irrigation and power projects to set up reserve funds to meet unforeseen expenditures. The amount to be set aside is left to the experience of the project and judgment of the Project Engineer to determine. We therefore, agree with the Project Engineer's recommendation for a reserve fund of 25% of annual O&M budget. However, we have taken the District's recommendation to allocate only $50,000 per assessment year to the fund until the level of 25% of annual O&M budget is obtained. The second purpose of the reserve fund, as recommended by the Project Engineer, was to eliminate a deficit in the irrigation account which occurred in 1977 The District was of the opinion that the deficit was more a reflection of project expenditure of funds prior to the fiscal year for which they were paid and because Indian Works payment is made late in the fiscal year in which payments are due.

We have concluded from our review that the deficit does exist and must be eliminated in order to administer the Project on a sound financial basis; therefore, a separate line item in the projected Fiscal Year 1986 Budget is included in the amount of $56,000 per year for deficit retirement.

The District strongly objected to the amount to be assessed for pumping costs. The District felt the landowners should only pay the cost of energy and should be entitled to energy from Coolidge Dam or hydropower from Parker-Davis, whichever is the least and at the most a melded cost of the two. We have considered the District's recommendation very carefully and in response to their concerns and needs of the Project, we developed three alternative methods of arriving at energy cost for pumping. The method selected takes into account the cost ($0.031/Kwh) to generate power at Coolidge Dam (24,612,607 Kwh average for the last 10 years) and additional energy (5,864,993 Kwh) from Parker-Davis at a cost of $0.0089 per kilowatt-hour. This method of arriving at energy costs is consistent with the District's recommendation. Other costs added to the energy cost include estimated maintenance cost for the pumps, transmission and distribution costs and administrative and general costs.

The items identified as other costs are necessary, reasonable, and legitimate to deliver the energy to the project pumps. The analysis took into account the notion that the power generation at Coolidge was authorized to supply electrical energy for Project pumping requirements as a primary purpose and that the landowners should have some entitlement of low cost hydropower from Coolidge Dam, if available, and/or its replacement energy.

Pursuant to § 171.1(e) Part 171, subchapter H, Chapter 1, Title 25 of the Code of Federal Regulations, this general notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM and redelegated by the Assistant Secretary for Indian Affairs to the Area Director in 10 BIAM 3.

The principal author of this document is Henry Dodge, Bureau of Indian Affairs, P.O. Box 7007 Phoenix, Arizona 85011, telephone (602) 214–2285. The authority to issue this regulation is vested in the Secretary of the Interior by U.S.C. 201 and 25 U.S.C. 385.

The general Notice shall read as follows:

San Carlos Irrigation Project Assessment, Joint Works

Pursuant to the Act of Congress approved June 7 1924 (43 Stat. 476) and supplementary acts, the Repayment Contract of June 8, 1931, as amended, between the United States and San Carlos Irrigation and Drainage District, and in accordance with applicable provisions of the order of the Secretary of the Interior of June 15, 1938, the cost of the operation and maintenance of the Joint Works of the San Carlos Irrigation Project for Fiscal Year 1986 is estimated to be $2,669,404 and the rate of assessment for the said fiscal year and subsequent fiscal years until further order is hereby fixed at $26.69 for each acre of land.

Note.—It is hereby certified that the economic and inflationary impacts of this general notice have been evaluated in accordance with Executive Order 12291.

Walter Mills,

Acting Area Director.

[FR Doc. 84-17505 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[C-36736]

Colorado; Order Providing for Opening of Public Lands

1. In an exchange of land made under section 206 of the Act of October 21, 1976 (90 Stat. 2743, 2756; 43 U.S.C. 1701, 1716), the following lands have been reconveyed to the United States:

Sixth Principal Meridian, Colorado,

T. 5 S., R. 85 W.,
Sec. 23, NW¼, E½SW¼, S½SE¼, NW¼SE¼,
Sec. 25, NW¼, N½SW¼,
Sec. 26, NE¼,
Sec. 27, S½SW¼, SW¼SE¼,
Sec. 28, S½SE¼,
Sec. 30, lots 7, 8, SW¼SE¼,
Sec. 31, lots 5, 6, 7, 15, 16, 17, 18, 21, NE¼SW¼,
Sec. 33, N½NE¼,
Sec. 34, W½NE¼, NW¼, N½SW¼, NW¼SE¼,
T. 6 S., R. 85 W.,
Sec. 6, lots 8, 9, 10, 11,
T. 5 S., R. 86 W.,
Sec. 22, S½,
Sec. 27, N½,
T. 6 S., R. 86 W.,
Sec. 1, lots 5 and 6,

Containing 2,677.52 acres in Eagle County, Colorado.

2. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands described in paragraph 1 above are hereby opened to the operation of the public land laws. All valid applications received at or prior to July 30, 1984. shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The E½SW¼, NW¼SE¼, and NW¼ of section 23, T. 5 S., R. 85 W., 6th P.M. Colorado, are hereby opened to the operation of the general mining laws and the mineral lessing laws. All valid applications received at or prior to 10 am on July 30, 1984 shall be considered as simultaneously filed at that time. Those recived thereafter shall be considered in the order of filing.

4. Appropriation of lands under the general mining laws prior to the date and time of opening is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights

against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determination in local courts.

5. The United States owns the mineral rights by reservations in earlier patents as to the balance of the lands described in paragraph 1 above. Therefore, these lands have been and remain open to operation of the mining laws and the mineral-leasing laws.

6. Inquires concerning the lands should be addressed to the Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Dated: June 22, 1984.

Robert D. Dinsmore,

Chief, Branch of Lands & Minerals Operations, Colorado State Office.

[FR Doc. 84-17500 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-JB-M

[C-38422]

Colorado; Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Interior

ACTION: Opening Order.

SUMMARY: Public Law 98-141 of October 31, 1983 (97 Stat. 909-914) modified the boundaries of the San Juan National Forest, Colorado, and transferred jurisdiction in the lands described below to the Department of the Interior. This order opens the lands to surface entry. They have been open to mining and mineral leasing.

EFFECTIVE DATE: July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

SUPPLEMENTARY INFORMATION:

1. Subsection 12(a) of the Act of October 31, 1983 (97 Stat. 912, 913), Pub. L. 98-141, among other action, modified the boundaries of the San Juan National Forest. Subsection 12(c) of Pub. L. 98-141 (97 Stat. 913) provided that all national forest system lands that, by reason of the boundary modification described in subsection (a), no longer fall within the boundaries of the San Juan National Forest were removed from the National Forest System and transferred to the Secretary of the Interior to be administered in accordance with the laws, rules, and regulations applicable to the public lands as defined in section 103 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2746; 43 U.S.C. 1702(e)).

The lands involved are described as follows:

New Mexico Principal Meridian

T. 41 N., R. 6 W. (Colorado Protraction Diagram #24, approved May 5, 1985),
- Sec. 3, that portion lying west of the Hinsdale-San Juan County line;
- Secs. 4, 5, 6, 7, 8, and 9;
- Secs. 10, 15 and 16, those portions lying west of the Continental Divide;
- Secs. 17, 18, and 19;
- Secs. 20, and 21, those portions lying west and north of the Continental Divide;
- Secs. 29, 30, and 31, those portions lying west of the Continental Divide and west and north of the following described line: Beginning in Protracted Section 29 on the Continental Divide at a prominent point marked elevation 12,721 ft., as identified on U.S. Geological Survey map, Howardsville (1955), 7½' series, scale 1:24,000, thence northerly along the Continental Divide approximately 500 ft. dist. to the true point of beginning, that point being the head of an unnamed drainage tributary to Cunningham Creek, thence southwesterly along the thread of said drainage approximately 7,000 ft. dist. to its confluence with Cunningham Creek, thence S. 73° W., approximately 250 ft. dist. to the intersection with the line between section 31, T. 41 N., R. 6 W. and section 36, T. 41 N., R. 7 W.

T. 42 N., R. 6 W. (Colorado Protraction Diagram #24 approved May 5, 1985),
- Secs. 27 and 28, Those portions lying west of the Hinsdale-San Juan County Line;
- Secs. 29, 30, 31, 32, and 33;
- Sec. 34, that portion lying west of the Hinsdale-San Juan County Line.

T. 40 N., R. 7 W. (Colorado Protraction Diagram #27 approved November 12, 1984),
- Secs. 2, 3 and 10 those portions lying north and west of the watershed divide between Whitehead Gulch and Deer Park Creek.

T. 38 N., R. 12 W.
- Sec. 30, lots 3 and 4, and SE¼SW¼, and those portions of the SW¼NE¼and E½ SE¼ lying south and west of the centerline of U.S. Highway 160;
- Sec. 31, lots 1 to 4, inclusive, E½NW¼, SW¼NE¼, and that portion of the NE¼ NE¼ lying west of the centerline of U.S. Highway 160;
- Sec. 32, those portions of the S½S½N½ NE¼, SE¼NW¼, SE¼SW¼NW¼, and the NE¼NW¼SW¼ lying south of the centerline of U.S. Highway 160, and S½ NW¼SW¼ and S½SW¼;
- Sec. 33, those portionsof the S½S½SW¼ NW¼ lying south of the centerline of U.S. 160;

T. 39 N., R. 17 W.,
- Sec. 4, lots 6, 11, 14 and W½SE¼.

T. 40 N., R. 17 W. (Protraction Diagram #8 Approved May 17, 1983)

The true intent of the following description is to follow the west edge of the top of the east escarpment of the Dolores River Canyon.
- Sec. 3, NW¼, that portion lying west of contour 7800 and south of the line between T. 40 N., and T. 41 N.; SW¼, that portion lying west of Contour 7800 as defined on United States Geological Survey topographic maps 7½ minute series, scale 1:24,000 The Glade (1984) and Doe Canyon (1985);
- Sec. 4;
- Secs. 5, 6, 7 and 8;
- Sec. 9, N½, SW¼, W½SE¼ and that portion of the E½SE¼ lying north of the thread of the streambed of Lake Canyon;
- Sec. 21, E½SE¼;
- Sec. 28, E½NE¼;
- Sec. 33, W½SE¼.

T. 41 N., R. 17 W., (Colorado Protraction Diagram #25 approved May 10, 1985)
- Sec. 6, all that portion lying west of Contour 8100 as defined on U.S. Geological Survey topographic map, 7½ minute series, scale 1:24,000 Secret Canyon (1984);
- Secs. 7, 8 and 9, all those portions lying west and south of Contour 8100;
- Sec. 16, N½, those portions lying south of Contour 8100 and west of the west right of way boundary for transmission line, Colo. 057883;
- Sec. 17, those portions lying north and west of Contour 8000;
- Secs. 18 and 19;
- Sec. 20, those portions lying west of Contour 8000;
- Secs. 23 and 29, those portions lying south and west of Contour 8000;
- Secs. 30, 31 and 32;
- Secs. 33, 34, and 35, those portions lying west and south of Contour 8000.

T. 42 N., R. 17 W.
- Sec. 31, those portions lying west and south of Contour 8100.

T. 41 N., R. 18 W.,
- Secs. 1 and 2;
- Sec. 3, E½, and SE¼SW¼;

T. 42 N., R. 18 W.
- Sec. 8, E½;
- Sec. 9, 10 and 15;
- Sec. 16, N½ and SE¼;
- Sec. 17, NE¼;
- Sec. 21, E½;
- Sec. 22;
- Sec. 23;
- Sec. 24, W½W½E½ and W½, those portions lying west of Contour 8100 as defined on U.S. Geological Survey Maps, 7½ minute series, scale 1:24,000 Joe Davis Hill (1949)
- Sec. 25, W½W½NE¼, W½ and SE¼, those portions lying west and south of Contour 8100, as defined on U.S. Geological Survey maps 7½ minute series, scale 1:24,000, Joe Davis Hill, (1949) and Secret Canyon (1984)
- Secs. 26 and 27;
- Sec. 28, E½;
- Sec. 33, E½;
- Secs. 34, 35 and 36.

The areas described aggregate approximately 31,618 acres in Dolores, La Plata, Montezuma, San Juan, and San Miguel Counties.

2. Subject to valid existing rights and the provisions of existing withdrawals,

the public lands described in paragraph 1 shall be open to operation of the public land laws generally at 10 a.m. on July 30, 1984. All valid application received at or before 10 a.m. July 30, 1984 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Except for certain lands in section 6, T. 41 N., R. 6 W., and in sections 30 and 31, T. 42 N., R. 6 W., (Protraction Diagram 24A) withdrawn by Public Land Order 2925, lands in sections 32 and 33, T. 36 N., R. 12 W., withdrawn by Public Land Order 2553, and lands in sections 18 and 19, T. 41 N., R. 17 W., withdrawn by Public Land Order 1494, the lands have been and remain open to mineral location under the United States mining laws and to applications and offers under the mineral leasing laws. Inquiries concerning these lands shall be directed to the State Director, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Dated: June 22, 1984.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-17499 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-JB-M

[C-037314]

Colorado; Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Interior

ACTION: Opening Order.

SUMMARY: Jurisdiction of certain lands purchased by the U.S. Fish and Wildlife Service has been transferred to the Bureau of Land Management. This order opens 607.95 acres of land to operation of the public land laws generally. No mineral rights are involved.

EFFECTIVE DATE: July 30, 1984.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-844-2535.

SUPPLEMENTARY INFORMATION: 1. Subject to valid existing rights and the provisions of existing withdrawals, the public lands described below shall be open to operation of the public land laws generally at 10 a.m. on July 30, 1984. All valid applications received at or before 10 a.m. on July 30, 1984 shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in the order of filing.

New Mexico Principal Meridian

T. 37 N., R. 7 E.

Sec. 2, Lots 2, 3, and 4, S½N½ and S½.

The area described aggregates 607.95 acres in Rio Grande County.

These lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. Mining Laws.

Inquiries concerning the land should be addressed to the Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

Dated: June 22, 1984.

Robert D. Dinsmore,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 84-17498 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-JB-M

New Mexico; Filing of Plat of Survey

June 22, 1984.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on June 22, 1984.

New Mexico Principal Meridian

The dependent resurvey of a portion of the subdivisional lines and the subdivision of section 20 and the survey of the centerline of the AT&SF Railroad through the NW¼ of section 20, Township 20 South, Range 5 West, NMPM, under Group 834, accepted May 9, 1934.

This survey was requested by the Las Cruces District, Bureau of Land Management.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 84-17495 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico; Filing of Plats of Survey

June 20, 1984.

This plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on June 15, 1984.

New Mexico Principal Meridian

A dependent resurvey of a portion of the north boundary of the San Antonio del Rio Colorado Grant (rejected), a portion of the north and east township boundaries, a portion of the subdivisional lines and certain Small Holding Claims in sections, 11, 12, and 13 and the subdivision of sections 11 and 13, Township 29 North, Range 12 East, NMPM, under Group 774, was accepted May 31, 1984.

This survey was requested by the District Manager, Albuquerque, New Mexico.

The plats of the surveys described below were officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on June 20, 1984.

New Mexico Principal Meridian

A survey of the El Poso Ranch Tract, identical with the dependent resurvey of a portion of the south and west boundaries of the Tierra Amarilla Grant in Townships 27 28, and 29 North, Ranges 1 and 2 East, NMPM, under Group 817 was accepted June 4, 1984.

This survey was requested by the Bureau of Indian Affairs, Albuquerque, New Mexico.

A dependent resurvey of a portion of the First Auxiliary Guide Meridian East (west boundary), a portion of the south, east, and north boundaries, a portion of the subdivisional lines, and the subdivision of sections 1, 7 9, 19, 20, 21, 30 and 31, Township 26 North, Range 5 East, NMPM, under Group 799, was approved June 12, 1984.

This survey was requested by the Regional Forester, Southwestern Region, U.S. Forest Service, Albuquerque, New Mexico.

The plats will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 84-17494 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-FB-M

New Mexico; Filing of Plat of Survey

June 22, 1984.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on June 22, 1984.

New Mexico Principal Meridian

The dependent resurvey of a portion of the west boundary and the survey of the subdivisional lines of T. 24 N., R. 15 W., the dependent resurvey of the Sixth Standard Parellel North through Range 16 West and the survey of the west and north boundaries and the subdivisional lines of T. 25 N., R. 16 W., the survey of the subdivision of T. 24 N., R. 16 W., the

dependent resurvey of the Fifth Standard Parallel North on the south boundary of T. 21 N., R. 15 W., and the survey of the west and north boundaries and the subdivisional lines of T. 21 N., R. 15 W., NMPM, under Group 812, accepted June 18, 1984.

This survey was requested by the Bureau of Indian Affairs, Albuquerque, New Mexico.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plats may be obtained from that office upon payment of $2.50 per sheet.

Gary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 84-17493 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-FB-M

Oregon; Burns District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Burns District Office; Advisory Council meeting.

SUMMARY: In accordance with Pub. L. 92-463 this notice sets forth the schedule and proposed agenda of a meeting of the Burns District Advisory Council at the Harney County Courthouse in Burns, Oregon.

DATE: July 13, 1984—9:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Joshua L. Warburton, District Manager, Burns District, Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720, Telephone (503) 573-5241.

SUPPLEMENTARY INFORMATION: The primary purpose of this meeting is to review the public comments received during the public comment period on Steens Mountain Recreation Management Plan.

The meeting will also include selection of a 1984 Advisory Council Chairman.

Persons interested in making an oral statement at this meeting, which is open to the public, must notify the District Manager, Burns District office, 74 South Alvord, Burns, Oregon 97720, by July 11, 1984. Written statements must also be received by this date.

Summary minutes of the meeting will be available for public inspection and duplication within 30 days following the meeting.

Dated: June 13, 1984.

Joshua L. Warburton,

District Manager.

[FR Doc. 84-17459 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-33-M

Bureau of Reclamation

Proposed Irrigation Ratesetting Policy; Intent To Extend the Written Comment Period on Water Service Ratesetting Policy; Central Valley Project, California

The Department of the Interior, through the Bureau of Reclamation, has developed an irrigation water ratesetting options paper for the Central Valley Project (CVP). The paper was prepared pursuant to the Reclamation Project Act of 1939 (53 Stat. 1187), Pub. L. 84-643 (70 Stat. 483), Pub. L. 88-44 (77 Stat. 68), and the Reclamation Reform Act of 1982, title II, Pub. L. 97-293 (96 Stat. 1263).

The proposed ratesetting policy options document has been developed to implement the ratesetting provisions of the Reclamation Reform Act, to ensure adequate returns to the Treasury, and to provide equitable charges among water users for services received. This proposed policy is formalized and is available for review by interested parties. The policy options document reviews some water rate history and discusses the need for a standard ratesetting policy. The calculations illustrating irrigation water rates are included for review. Those calculations reflect applications of the proposed policy options to the rate calculations for the project.

The proposed policy options paper includes recommended policy as well as several feasible alternatives for consideration. Sample calculations which demonstrate the impacts of the proposals are provided to enhance understanding of the alternatives.

The Federal Register announcement of public hearings and the original written comment period was in Volume 49, No. 73, page 14811, dated Friday, April 13, 1984. In response to numerous requests, the comment period for receipt of written comments is now extended to August 31, 1984.

Copies of the draft policy may be obtained without charge by writing to the Regional Director, Bureau of Reclamation, Water Rate Policy (MP-440), 2800 Cottage Way, Sacramento, CA 95825. Questions by telephone should be directed to Mr. Merv deHaas at (916) 484-4878.

Dated: June 28, 1984.

Robert A. Olson,

Acting Commissioner of Reclamation.

[FR Doc. 84-17503 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-09-M

South Dakota Water Delivery Study; Intent to Prepare a Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a draft environmental statement for the South Dakota Water Delivery Study.

The purpose of this study is to investigate the potential of supplying additional water to the James River, using features of the Garrison Diversion Unit (GDU) in North Dakota, and to evaluate features in South Dakota for water delivery and storage. This would allow the State of South Dakota to use this additional water for irrigation and municipal and industrial purposes while also providing opportunities for flood control and improving fish and wildlife and recreation along the entire James River in South Dakota.

Preliminary studies identified alternatives for providing additional water to the State of South Dakota that will be addressed at the meeting. The Congress is presently considering the Fiscal Year 1985 Energy and Water Development Appropriation Bill which has been amended to establish a Garrison Diversion Unit Commission, appointed by the Secretary of the Interior, to review the contemporary water development needs of North Dakota. It should be noted that future options could vary from those presently being considered based on any action that may result from the proposed GDU Commission.

The Bureau will be preparing an integrated Planning Report/Draft Environmental Statement (PR/DES). The PR/DES is scheduled for completion in October 1985.

There will be three meetings to solicit information from all interested public entities and persons to assist in determining the scope of the environmental statement and to identify significant issues related to the study. Following the environmental scoping session at each meeting, the public will also be provided an opportunity to identify any other topics that should be considered in the plan formulation process. These meetings will be held as follows:

Location, Date, and Time

Dakota Inn, Jamestown, ND, August 1, 1984, 9 a.m.

Holiday Inn, Aberdeen, SD, August 2, 1984, 9 a.m.

Holiday Inn, Mitchell, SD, August 3, 1984, 9 a.m.

The contact person for this environmental statement will be Stan Gappa, Bureau of Reclamation, P.O. Box 2553, Billings, Montana 59103, telephone: (406) 657–6519.

Dated: June 28, 1984.

R. A. Olson,

Acting Commissioner.

[FR Doc. 84-17656 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Development Operations Coordination Document; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3798, Block 102, Main Pass Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Hopedale, Louisiana.

DATE: The subject DOCD was deemed submitted on June 22, 1984. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147 Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans,* Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert, Minerals Management Service, Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Mangement Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: Juen 27, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 84-17449 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Capital Memorial Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Tuesday, July 31, 1984, in Room 234 at the National Capital Region Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The Committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statutes. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital Region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital Region.

The members of the Committee are as follows:

Russell E. Dickenson (Chairman), Director, National Park Service, Washington, D.C.

Glen Urquhart, Chairman, National Capital Planning Commission, Washington, D.C.

George H. White, Architect of the Capitol, Washington, D.C.

Honorable Armistead J. Maupin, Acting Chairman, American Battle, Monuments Commission, Washington, D.C.

J. Carter Brown, Chairman, Commission of Fine Arts, Washington, D.C.

Marion S. Barry, Jr., Mayor of the District of Columbia, Washington, D.C.

L. L. Mitchell, Commissioner, Public Buildings Service, Washington, D.C.

The purpose of the meeting will be to review S.J. Res. 301, which will authorize the Kahlil Gibran Centennial Foundation of Washington, D.C., to erect a memorial; H.J. Res. 482, to establish a National Law Enforcement Heroes Memorial in Washington, D.C; S.J. Res. 277 to authorize Armed Forces Monument Committee, the U.S. Armor Association, the World War Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 11th 14th, and 16th Armored Divisions Associations, jointly, to erect a memorial to the "American Armored Force"· H.R. 5611 to authorize the 11th Airborne Division to establish a memorial; H.R. 5398 to authorize the National Committee of American Airmen to establish a monument to General Draza Mihailovich. Also, the Committee will review proposed suggestions of memorials to the 9th Infantry Division, and the 3rd Infantry Division. The Committee will review its standards/criteria for the memorialization of individual military units. Also, the Committee will review a program which the National Park Service is undertaking for the cleaning of statues and memorials located on parklands in the Nation's Capital and its environs.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Mr. John G. Parsons, Associate Regional Director, Land Use

Coordination, National Capital Region, at 202–426–7750. Minutes of the meeting will be available for public inspection 7 weeks after the meeting at the Office of Land Use Coordination, National Capital Region, Room 206, 1100 Ohio Drive, SW., Washington, D.C. 20242.

Dated: June 22, 1984.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 84-17518 Filed 6-29-84; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the sixty-fourth meeting of the Board for International Food and Agricultural Development (BIFAD) on July 19, 1984.

The purpose of this meeting is to hear a presentation on the Beans/Cowpeas Collaborative Research Support Program (CRSP) by Patricia Barnes-McConnell, CRSP Manager, Michigan State University and consider a proposal for extension of the program; a discussion of a report by H. F. Robinson, Western Carolina University, Chairman of a group to review the program and budget of the AID Bureau of Science and Technology—Office of Agriculture; and a report on the Memorandum of Understanding (MOU) (annual review, and procedure for university applications).

The meeting will begin at 9:00 a.m. and adjourn at 12:00 p.m. and will be held in Room 1107 New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. Erven J. Long, Coordinator, Research and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235–8929.

Dated: June 27, 1984.

Erven J. Long,

A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 84-17547 Filed 6-29-84; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30493]

The Chesapeake and Ohio Railway Company; Trackage Rights Exemption; Over Consolidated Rail Corporation; Exemption

The Chesapeake and Ohio Railway Company (C&O) filed a notice of exemption for its acquisition of overhead trackage rights over a 2.2-mile segment of track of the Consolidated Rail Corporation (Conrail) between mileposts 285.7 and 287.9 in Wood and Lucas Counties, OH. The instant trackage rights will connect C&O's line at the Rockwell Junction connection between the lines of C&O and Conrail, on the one hand, with the lines of the Norfolk and Western Railway Company (NW) at the Sumner Street connection between the lines of NW and Conrail, on the other.

Presently, NW and C&O interchange unit grain trains between NW's Gould Yard and C&O's Walbridge Yard. The route is approximately 21 miles long. Under the proposed trackage rights, C&O will be able to interchange loaded and empty unit grain trains with NW between the two yards by means of a route which is 8 miles long. The proposal will also permit C&O to relocate its present overhead route for the subject interchange movements and to substantially reduce the mileage and transit time required for such movements.

In addition, the present route utilizes the lines of the Toledo Terminal Railroad Company (TT), a wholly-owned subsidiary of C&O. Operation of any unit grain trains over TT's lines resulted in complaints from various public and private bodies concerning vehicular traffic delays caused by the movement of such trains. The proposed trackage rights will result in C&O reducing the number of grain train movements over TT's lines.

This transaction is a joint project of two rail carriers involving a relocation of an operation which does not disrupt service to shippers. Thus, it is an exempt transaction pursuant to 49 CFR 1180.2(d)(5). *See Railroad Consolidation Procedures*, 366 I.C.C. 74, 94 (1982). It will result in the continuation of virtually the same service as before. In fact, overhead and bridge service will be improved since C&O's interchange movements will be shorter enabling it to provide faster service. Traffic over TT's line will be minimized, thus eliminating some traffic delays. It does not appear that shippers will be affected.

As a condition to the use of this exemption, any employee affected by the transaction will be protected by the conditions set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 345 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). This satisfies the statutory requirements for protection of employees under 49 U.S.C. 10505(g)(2), which may not be avoided through the exemption process.

This notice is effective on publication.

Decided: June 25, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary

[FR Doc. 84-17572 Filed 6-29-84; 8:45 am]

BILLING CODE 7035-01-M

MERIT SYSTEMS PROTECTION BOARD

Federal Employees; Review of Agency Actions Taken Under 5 U.S.C. 4303; Opportunity To File Amicus Briefs in Board Proceedings

Correction:

In FR Doc. 84–16935 beginning on page 26166, in the issue of Tuesday, June 26, 1984, make the following corrections on page 26167. In column two, Paragraph I.B., line 7 "rebuttal" should read "rebuttable" and in column three, Paragraph IV. B., line 7, "rebuttal" should read "rebuttable"

BILLING CODE 1505-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357–9421.

OMB Desk Officer: Carlos Tellez, (202) 395–7340.

Title: Evaluation of Innovation Centers Program.

Affected Public: Individuals, Businesses, Non-profit, and Small Businesses.

Number of Responses: 1,800 responses, total of 1,225 burden hours.

Abstract: In this summarizing evaluation of NSF's Innovation Centers Program, Center clients and relevant comparisons will be surveyed for information on participation, reactions, and program effects. Center staff interviews will develop case histories for each of the 10 centers funded between 1973 and 1982. The results will be used for future program planning, to stimulate industrial productivity and innovation through university-industry interaction.

Dated: June 27 1984.

Herman G. Fleming,

Agency Clearance Officer.

[FR Doc. 84-17445 Filed 6-29-84; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Document Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35)

1. Type of submission, new, revision or extension: Revision and extension.

2. The title of the information collection: Personnel Security Questionnaire.

3. The form number, if applicable: NRC Form 1.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC applicants, employees of other government agencies, NRC contractors, subcontractors, licensees and others who require NRC access authorization.

6. An estimate of the number of responses: 1,511.

7 An estimate of the total number of hours needed to complete the requirement or request: 2,267

8. Section 3504(h), Pub. L. 96-511 does not apply.

9. Abstract: The information on NRC Form 1 is needed to conduct background investigations and/or evaluations of applicants for employment with the NRC, employees of other government agencies, NRC contractors, subcontractors, licensees and others to determine their eligiblity for NRC employment or access to NRC classified information or access to or control over special nuclear material.

ADDRESS: Copies of the submittal will be made available for inspection or copying for a fee at the NRC Public Document Room. 1717 H Street, NW., Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 295-7340.

NRC Clearance Officer, R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 26th day of June, 1984.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 84-17510 Filed 6-29-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co. (Pilgrim Nuclear Power Station); Modification of March 14, 1983 Order

I

The Boston Edison Company (the licensee) is the holder of Facility Operating License No. DPR-35 which authorizes the licensee to operate the Pilgrim Nuclear Power Station at power levels not in excess of 1998 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Plymouth County, Massachusetts.

II

On March 14, 1983, the Commission issued an Order published in the Federal Register on April 5, 1983 (48 FR 14770) confirming the licensee's commitments to implement those post-TMI-related items set forth in NUREG-0737 for which the staff had requested completion on or after July 1, 1981. By letter dated May 8, 1984, the licensee requested that the schedule date of June 1, 1984 in the Order for completion of items II.B.3 and II.F.1(6) be changed to "the end of Refueling Outage #6 (RFO#6)." RFO#6 is the current refueling outage which is presently expected to end late in September 1984.

III

Item II.B.3 requires that the licensee install upgraded post-accident sampling capability and Item II.F.1(6) requires the provision of continuous indication of hydrogen concentration in the reactor containment. Certain aspects of completing these items require the collection of pressurized samples, which the licensee must take during the pre-startup testing. Thus, the licensee could not have completed the remaining activities by June 1, 1984, without repressurizing the reactor. However, as noted above, the Pilgrim plant is currently shut down and startup from the current outage has been delayed until approximately late September 1984 due to an extensive pipe replacement program which resulted from the Commission's Order of August 26, 1983 requiring inspection of certain pipes for intergranular stress corrosion cracking. In view of the current shutdown, there is no compelling safety reason to take such action solely to complete the remaining activities in Items II.B.3 and II.F.1(6) by the prescribed date in the Original Order.

The Commission has, therefore, determined that good cause exists for extension of the completion dates for Items II.B.3 and II.F.1(6) of NUREG-0737 at the Pilgrim Station.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's regulations in Parts 2 and 50, it is ordered that the completion dates for Items II.B.3 and II.F.1(6) specified in Attachment 1 of the March 14, 1983 "Order Confirming Licensee Commitments on Post-TMI Related Issues" are hereby changed to read as follows: "End of Refueling Outage #6." The Order of March 14, 1983, except as modified herein, remains in effect.

V

The licensee may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. A request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the completion dates for Item

II.B.3 and II.F.1(6) specified in Attachment 1 of the March 14, 1984 "Order Confirming Licensee Commitments on Post-TMI Related Issues," should be changed to "End of Refueling Outage #6."

This Order shall become effective upon the licensee's consent or upon expiration of the time within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an Order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 15th day of June, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-17509 Filed 6-29-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co., Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments would allow spent fuel pool storage capacity expansion from 500 to 1,463 spaces for each spent fuel pool. The proposed expansion is to be achieved by reracking each spent fuel pool with two region, poison racks.

The amendment would change the spent fuel pool storage capacity listed in Technical Specification 5.6 from 500 fuel assemblies to 1,463 fuel assemblies in a two region storage design, 286 spaces in Region 1 and 1,177 spaces in Region 2 with a maximum initial enrichment of 4.0 weight percent U-235. The nominal center-to-center distance between spent fuel assemblies listed in Technical Specification 5.6 would be changed from approximately 15 inches to approximately 10 inches. A new Technical Specification 3/4.9.12 would be added describing the combination of initial enrichment and cumulative exposure for spent fuel assemblies necessary for storage in Region 2. This amendment was requested in the licensee's application for amendment dated February 17 1984.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1934, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The expansion of the spent fuel pool storage consists of replacing existing racks with racks which allow closer spacing between stored spent fuel assemblies. The storage expansion method does not involve rod consolidation or double tiering. The storage expansion will create two regions of storage. Region 1 which will have center-to-center storage cell spacing of 10.4 inches will be reserved for temporary core off-loading, temporary storage of new fuel and storage of spent fuel above specified reactivity levels. Region 2, with 9.125 inch center-to-center spacing will be utilized for storage of irradiated fuel which falls below specified reactivity levels. Also, the reracked spent fuel pool will allow storage of a maximum of 4.0 weight percent U-235 initially enriched fuel assemblies. However, the K_{eff} of the reracked spent fuel pool will be maintained less than or equal to 0.95, which is the current requirement. The additional heat load created by the increase in spent fuel assemblies is small and within the capacity of the spent fuel pool cooling system such that the requirement for the temperature of the spent fuel pool to be maintained >140°F is still met. No new technology or unproven technology is utilized in either construction or analysis of the storage expansion. The structural design margin of the spent fuel pool will not be significantly reduced by the rerack. Therefore, the integrity of the spent fuel pool is maintained and as a result, no new means of losing cooling water, such that cooling flow can not be maintained, can be postulated beyond those addressed in the staff's earlier reviews that led to the issuance of the operating license. A discussion of fuel pool integrity is contained in the licensee's final Safety Analysis Report and the staff's Safety Evaluation Report. Also, reload fuel and new fuel pool storage requirements are being changed to reflect fuel assemblies initially enriched to 4.0 vice 3.5 weight percent U-235.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples relates to a change which may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component. The change from a maximum of 3.5 to 4.0 weight percent U-235 for new fuel storage and use is similar to this example because the enrichment of the fuel is increased, but all of the Technical Specification safety requirements are still met. Spent fuel pool reracking was specifically excluded from the list of examples considered likely to involve a significant hazards consideration. Pending further study of this matter, the Commission is making a finding on the question of no significant hazards consideration for each reracking application such as this on a case-by-case basis, giving full consideration to the technical circumstances of the case, using the standard of § 50.92 (48 FR 14869).

The licensee's submittal of February 17, 1984, included a discussion of the proposed action with respect to the issue of no significant hazards consideration. This discussion has been reviewed and the Commission finds it acceptable. Specifically, with regard to the first standard of 10 CFR 50.92, this amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The design requirements of spent fuel storage remain the same and are met by the rerack design; therefore, the probability of an accident previously evaluated is not significantly increased. Accident analyses regarding criticality, fuel handling, seismic, and loss of forced cooling have been performed and the consequences are acceptable with no significant increases.

With regard to the second standard of 10 CFR 50.92, this amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The storage expansion just involves replacing existing racks with racks which allow closer spacing between stored spent fuel assemblies; and, therefore, applicable accidents remain the same. Also, since the integrity of the spent fuel pool is maintained, no new means of losing cooling water, such that cooling flow cannot be maintained, can be postulated and therefore, the

proposed action does not create the possibility of a new or different accident from any accident previously evaluated.

With regard to the third standard of 10 CFR 50.92, this amendment does not involve a significant reduction in a margin of safety. Even with more spent fuel assemblies and higher enriched fuel, spent fuel storage Technical Specifications and Standard Review Plan requirements are still met with regard to K_{eff}, spent fuel pool cooling capability, and structural strength.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By July 30, 1984 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner is required to file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity, pursuant to 10 CFR 2.714(b). Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission hereby provides notice that this proceeding is on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under Section 134 of the NWPA, the Commission, at the request of any petitioner or party to the proceeding, is required to employ hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." Section 134 procedures provide for oral argument on those issues "determined to be in controversy" preceded by discovery under the Rules of Practice, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law to be resolved at an adjudicatory hearing. Actual adjudicatory hearings are to be held only on those issues found to meet the criteria of section 134 and set for hearing after oral argument on the proposed issues. However, if no petitioner or party requests the use of the hybrid hearing procedures, then the usual 10 CFR Part 2 procedures apply.

(At this time, the Commission does not have effective regulations implementing Section 134 of the NWPA although it has published proposed rules. See Hybrid Hearing Procedures for Expansion of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors, 48 FR 54499 (December 5, 1983).)

Subject to the above requirements, and any limitations in the order granting leave to intervene those permitted to intervene become parties to the proceeding, have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number

3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 25th day of June 1984.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 84-17423 Filed 6-29-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Notification of the July 12–13, 1984, Meeting of the Aeronautical Policy Review Commitee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that the Aeronautical Policy Review Committee (APRC) will hold a meeting on Thursday and Friday, July 12–13, 1984. The meeting will be held in Room 5104 of the New Executive Office Building, 17th Street and Pennsylvania Avenue, NW., Washington, D.C. The meeting will commence at 1:30 PM and end at 5:30 PM on July 12 and will commence at 8:30 AM and end at 12:00 noon on July 13.

The meeting is for the purpose of Committee review, discussion, evaluation and recommendation of U.S. Government plans and programs concerning aeronautical research and technology development.

The proposed agenda for the meeting of the Aeronautical Policy Review Committee is as follows:

Thursday, July 12, 1984

Presentations by the Office of Aeronautics and Space Technology, NASA, and the Defense Advanced Research Projects Agency, DoD, concerning NASA and DoD aeronautical research and technology (R&T) plans.

Friday, July 13, 1984

Dicussions amongst members of the Committee, the OSTP staff and representatives of other Federal agencies concerning the proposed U.S. Government aeronautical R&T plans and activities.

In accordance with the determination of the President's Science Advisor, portions of these sessions will be closed to the public pursuant to subsection (c)(1) of section 552b of Title 5, United States Code. The meeting will be open to the public on Friday, July 13, 1984 from 9:30 AM to 10:15 AM. Any persons wishing to attend must notify the Committee Executive Secretary by Wednesday, July 11, 1984.

Further information with reference to this meeting can be obtained from Mr. Robert Williams, Committee Executive Secretary, Office of Science and Technology Policy, Washington, D.C. 20506 or call (202) 395–5736.

Dated: June 27, 1984.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

[FR Doc. 84-17611 Filed 6-29-84; 8:45 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1917]

Energy Resources Corp. 9% Convertible Subordinated Debentures Due 1995; Application To Withdraw From Listing and Registration

June 26, 1984.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. Energy Resources Corporation ("ERC") by a corporate merger consummated on May 4, 1984, with E.T. Inc., a subsidiary of Enertec Corporation, became a wholly-owned subsidiary of Enertec Corporation, and the common stock of ERC is no longer publicly traded. The ERC 9% convertible debentures, which are convertible into ERC common stock, likewise are no longer publicly traded. The Amex has posed no objection to this matter.

Any interested person may, on or before July 18, 1984 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-17633 Filed 6-29-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 14006; 812-5695]

Investors GNMA Mortgage-Backed Securities Trust, Inc.; Filing of an Application

June 25, 1984.

Notice is hereby given that Investors GNMA Mortgage-Backed Securities Trust, Inc. (the "Applicant"), 55 Water Street (41st Floor), New York, New York 10041, a real estate investment trust, filed an application on November 14, 1983, and amendments thereto in June, 1984, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act for the complete

text of the provisions referred to herein and in the application.

According to the application, Applicant was organized for the limited purpose of issuing series of bonds ("Bonds") secured by "fully modified passthrough" mortgage-backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates") and it will not trade or deal in securities or engage in any activities other than those incidental to and necessary for such purposes. The application states that underwritten public offerings of at least two series of Bonds have been concluded. Further, at the time of filing of the original application, Applicant's common stock represented approximately 1.2% of its capitalization. Currently, its net assets represent less than 1% of total capitalization. Applicant represents that it currently has no intention of issuing further equity and undertakes that it will not issue new equity at any time that its net capital exceeds 3% of its capitalization. Applicant further represents and undertakes, in connection with any additional issuances by it of equity capital, that it will either (1) apply for an amended order specifically authorizing the terms and conditions of the equity offering, or (ii) take steps to insure that any such offering will not increase the number of registered shareholders in excess of 500.

Applicant states that its Bonds will be issued pursuant to an indenture and that the Bonds will be secured by assignments to the trustee under the indenture of collateral consisting of GNMA Certificates, together with the payments thereon, having an outstanding principal balance at the date of issuance of the Bonds of not less than the principal amount of Bonds being issued. Applicant represents that the indenture grants a first lien on the collateral securing the Bonds to the trustee for the benefit of the bondholders; the collateral for each series of Bonds will secure only that series of Bonds; and the Applicant will not withdraw, add to, or substitute other GNMA Certificates for, the original GNMA Certificates included in the collateral.

According to Applicant, the indenture requires that all payments of principal of and interest on the GNMA Certificates collateralizing the Bonds be remitted to the trustee for deposit into a P&I Account. Such funds may be reinvested pending payment of principal and interest on the Bonds to bondholders of each monthly scheduled payment date. Applicant represents that it will direct the trustee to invest funds in the P&I Account solely in Federal funds, obligations of the United States or any agency thereof backed by the full faith and credit of the United States, or repurchase obligations in connection therewith. Additionally, Applicant represents that the indenture requires that any future series of Bonds be rated at the time of issuance in the highest generic rating category by a nationally recognized statistical rating organization.

The Applicant states that it is seeking this order solely for the purpose of eliminating the requirement that it maintain a portion of its assets in "whole pool" GNMA Certificates. Applicant asserts that it is finding it difficult to obtain "whole pool" GNMA Certificates in sufficient size and quantities to satisfy its collateral requirements for the issuance of Bonds and that its requirements and those of similar issuers for "whole pools" to back GNMA-collateralized bonds have artificially inflated the price of "whole pools" in the mortgage market. The Applicant submits that any distinction between "whole pool" and "partial pool" GNMA Certificates is irrelevant insofar as the investment is concerned. According to the Applicant, a holder of bonds collateralized by "partial pool" GNMA Certificates has exactly the same investment experience as a holder of bonds collateralized by "whole pool" GNMA Certificates and any distinction between "whole pool" and "partial pool" GNMA Certificates is not recognized in the collateralized-mortgage bond market. Applicant maintains that its limited activities do not require the protection of the Act for investors and submits that there are strong policy reasons for granting the exemptive order in that its activities supply capital to the secondary mortgage market and thereby facilitate the financing of mortgages.

According to Applicant, the regulatory framework within which thrift institutions operate essentially mandates that a certain percentage of assets be invested in "loans secured by an interest in real property" within the meaning of Section 7701(a)(19) of the Internal Revenue Code of 1954, as amended (the "Code") and other qualifying assets defined in that Section in order for the thrifts to take advantage of the 40% income tax deduction for reserves for bad debts under the taxable income method permitted by Section 593 of the Code. Failure to maintain at least 82% of assets (72% for mutual savings banks) in "loans secured by an interest in real property" and other qualifying assets results in a reduction, pursuant to a formula provided by the Code, of the full 40% income tax deduction. Applicant states that, in its experience, thrift institutions, particularly large institutions, will keep their percentage of qualifying assets at or very near the upper level of their asset ranges so as to take full advantage of the tax benefits specified above. Thus, when a thrift sells a GNMA certificate, whether it be a current coupon or deep discount certificate, it is impelled to immediately reinvest the proceeds from such sale into other qualifying assets such as new mortgage loans, GNMA certificates, certificates of the Federal National Mortgage Association or participation certificates issued by the Federal Home Loan Mortgage Corporation. Moreover, when a thrift does make a sale of discount coupon GNMA certificates, the very purpose is to increase its current yield on its real estate portfolio by investing the proceeds from such sale in a current coupon real estate-related instrument, thereby directly contributing to the liquidity of the primary mortgage market.

Applicant represents that it has been advised by Lehman Government Securities, Inc., that, based on their recent experience, in the vast majority of instances the seller of low coupon GNMA certificates is a thrift, mortgage banker or other mortgage originator and the very reason for effecting the sale is to enable it to effect new originations. Applicant represents that it is not its intention to purchase exclusively discount coupon GNMA certificates, but rather to purchase such certificates only when market economics dictate such an offering. Applicant further states that, to the best of its knowledge, of all of the collateralized mortgage obligations backed by GNMA certificates issued to date, only one has employed discount coupons.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 20, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a

hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-17552 Filed 6-29-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21093; SR-NYSE-84-16]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

June 25, 1984.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, submitted on April 17 1984 copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder to modify NYSE Rule 97 (Limitations on Members' Trading Because of Block Positioning) as follows: (i) Limitations under Rule 97 on the trading of member organizations because of thier block positioning activities would be applicable only for the remainder of the trading day on which a block position was acquired; (ii) the prohibition against a purchase on a "plus" tick would be replaced by a prohibition against such a purchase only if the purchase would result in a new daily high or was made within one-half hour of the close; (iii) the prohibition against a "zero plus" purchase that is the remainder of a block which had been on a "plus" tick on the immediately preceding sale would be eliminated; (iv) the prohibition against a purchase at a price higher than the lowest price at which any block was acquired would be modified; (v) the prohibition in the case of a short position of a sale at a price lower than the highest price at which any block was acquired (unless it facilitates another block transaction) would be deleted. The definition of a block as a quantity of stock have a market value of $200,000 or more would remain. These would be no change to the existing exemptions to Rule 97· however, an additional exemption would be made for purchases that facilitate another block transaction where the firm already has a long position in the stock.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20947 May 10, 1984) and by publication in the Federal Register (49 FR 21447 May 21, 1984). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-17553 Filed 6-29-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21099; File No. SR-PSDTC-84-07]

Pacific Securities Depository Trust Co., Filing and Immediate Effectiveness of Proposed Rule Change

June 25, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 11, 1984, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission a proposed rule change establishing certain service fees. The Commission is publishing this notice to solicit comments on the rule change.

The proposed rule change amends PSDTC's fee schedule to include charges for services that it currently provides at no cost to its participants, and for an automated transfer and direct mailing service involving designated transfer agents. Specifically, the proposed rule change would establish a $5.00 charge for each reclaim initiated by PSDTC participants and a $2.95 charge, plus any exceptional mailing costs, for the direct mailing to participants' customers of automated transfers involving designated transfer agents. The proposed rule change would also set a fee of $4.00 for each direct mail service instruction change.

PSDTC believes that the establishment of these fees is consistent with Section 17A(b)(3)(D) of the Act in that they provide for the equitable allocation of reasonable dues, fees and other charges among PSDTC's participants. In particular, PSDTC states that the new fees for reclaims and changes in instructions for direct mail service are intended to permit PSDTC to recover its costs for providing these services. PSDTC states that the new fee for the direct mailing of automated transfers to its participants'customers covers both the tape input of the transfer and normal postage costs. It is also intended to encourage the use of the New York City branch of PSDTC's affiliated clearing corporation, and to increase the volume of PSDTC's business with those transfer agents which may provide specific cost advantages.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise if furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-PSDTC-84-07.

Copies of the submission all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-17554 Filed 6-29-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21100; File Nos. SR-SCCP-84-5 and SR-Philadep-84-4]

Stock Clearing Corporation of Philadelphia and Philadelphia Depository Trust Co.; Filing of Proposed Rule Changes

June 26, 1984.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 11, 1984, the Stock Clearing Corporation of Philadelphia ("SCCP") and the Philadelphia Depository Trust Company ("Philadep") filed with the Securities and Exchange Commission the proposed rule changes as described herein. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The proposed rule changes amend SCCP's and Philadep's By-laws[1] to provide that the Chairman of the Board and the President of each clearing agency cannot be *ex officio* members of each clearing agency's Audit Committee.[2] Currently, SCCP's and Philadep's By-laws provide that the President and Chairman of the Board shall be *ex officio* members of their respective clearing agency's Audit Committee. The proposed rule changes also included a stated policy to Article VI, Section 4 of SCCP's and Philadep's By-laws which authorizes the Audit Committee: (1) to invite the Chairman of the Board and President to participate in its meetings; and (2) to meet at least once each year with independent auditors without the presence of management officers of the clearing agency or the Philadelphia Stock Exchange, Inc. ("Phlx"-SCCP's and Philadep's parent corporation).

SCCP and Philadep state in their filings that the proposed rule changes are intended to comply with standards announced by the Division of Market Regulation (the "Division") for use in reviewing applications for clearing agency registration under the Act (the "Standards").[2] The Standards state that the audit committee should be composed of non-management directors.[3] SCCP's and Philadep's Chairman and President qualify as management-related directors under the Standards.

In order to assist the Commission in determining whether to approve the proposed rule changes or to institute proceedings to determine whether the proposed rule changes should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submissions within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File Nos. SR-SCCP-84-5 and SR-Philadep-84-4.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filings and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulations pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-17558 Filed 6-29-84; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Article IV, section 8, and Article VI, section 4 of SCCP's and Philadep's By-laws.

[2] Section 17(A)(b)(3) of the Act requires the Commission, before granting registration, to make several determinations with respect to a clearing agency's organization, capacity and rules. To provide guidance to clearing agencies in structuring their organization, systems and rules to comply with Section 17(A)(b)(3), the Division published Standards. *See* Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (June 23, 1980). The Commission subsequently granted SCCP and Philadep full registration as clearing agencies in Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167 (October 3, 1983). As noted in that Order, each clearing agency must continue to satisfy the Act's requirements and the Standards. Securities Exchange Act Release No. 20221 at 45171.

[3] *See* Securities Exchange Act Release No. 16900 at 38-39 nn. 33-34, 45 FR at 41926, for a detailed discussion of who qualifies as a "non-management" director for the purpose of serving on a clearing agency audit committee.

[Release No. 34-21104; File No. SR-NASD-84-12]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 12, 1984 the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend the transaction reporting rules in Schedule D to permit aggregation of transaction reports ("bunching") for trades less than 10,000 shares and to permit bunching of transaction reports of trades initiated by the reporting member's trading department as well as those received by the trading department.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed amendment is designed to significantly reduce the burdens of trade reporting in NASDAQ/NMS securities by expanding the trades eligible for bunching. The proposed amendment would increase the size of transactions that can be bunched from 5,000 shares to 9,999 shares and permit for the first time bunching transaction reports of trades initiated by the reporting firm's trading department. Bunched trade reports will still carry an identifier indicating that they are bunched and the reporting member is obliged to maintain records of bunched trades. The current bunching rules were proposed by the Association in File No. SR-NASD-82-4 and were approved by the Commission in Release No. 34-18602 (March 26, 1982). The proposed rule change is consistent with the Association's statutory obligations under Section 15(A)(b)(6) of the Act to

facilitate transactions in securities, to perfect the mechanism of a free and open market and a national market system and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association does not foresee any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 26, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-17551 Filed 6-29-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to OMB for review and approval, and to publish notice in the Federal Register that the agency has made such a submission.

DATE: Comments must be received on or before August 8, 1984. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible.

COPIES: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Mangement and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814.

Informatin Collection Submitted for Review

Title: Secondary Participation Guaranty and Certification Agreement and Request for Certification of SBA Form 1084
Form Nos.. SBA 1085, 1086
Frequency: On occasion
Description of Respondents: Participating Lenders
Annual Responses: 3,200
Annual Burden Hours: 12,000
Type of Request: Resubmission

Dated: June 26, 1984.

Richard Vizachero,

Acting Chief, Information Resources Management Branch.

[FR Doc. 84-17557 Filed 6-29-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 03/03-5056]

Mile Hi Small Business Investment Co., Issuance of a License To Operate as a Small Business Investment Company

On December 20, 1982, a notice was published in the Federal Register (47 FR 28770), stating that Mile Hi Small Business Investment Company, located at 1355 South Colorado Boulevard, Denver, Colorado 80222, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102(1984), for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on January 4, 1983, and no significant comments were received.

Notice is hereby given that considering the application and other information, SBA has issued License No. 03/03-5056 to Mile Hi Small Business Investment Company.

Dated: June 22, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-17553 Filed 6-29-84; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-0173]

The Quiet SBIC; Termination of License

Notice is hereby given that the Small Business Administration (SBA) has terminated the small business investment company license (License No. 04/04-0173) which was issued on September 17, 1979, to the Quiet SBIC, 105 East Garden Street, Pensacola, Florida 32501.

The Quiet SBIC has complied with all the conditions set forth by SBA for the surrender of its license except the return of the license certificate for cancellation. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the License of The Quiet SBIC is hereby terminated and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Company)

Dated: June 25, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-17561 Filed 6-29-84; 8:45 am]

BILLING CODE 8025-01-M

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, D.C., will hold a public meeting at 9:00 a.m. until 5:00 p.m., Tuesday, July 10, 1984, at the offices of the Small Business Administration, 1441 L Street, NW., Second Floor Conference Room, Room 216, Washington, D.C. 20416, to discuss the writing of the Committee's Year-end Report to the President and the Congress. The meeting will be open to the interested public, however, space is limited.

Persons wishing to present written statements should notify Milton Wilson, Jr., Office of Capital Ownership Development, Small Business Administration, Room 602, 1441 L Street, NW., Washington, D.C. 20416, in writing no later than July 5, 1984.

Dated: June 25, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84-17562 Filed 6-29-84; 8:45 am]

BILLING CODE 8025-01-M

SBA Form 1086, Secondary Participation Guaranty and Certification Agreement

AGENCY: Small Business Administration.

ACTION: Request for public comments.

SUMMARY: The Small Business Administration is publishing a proposed revision of SBA Form 1086, Secondary Participation Guaranty and Certification Agreement. The public is asked to provide comments and make suggestions on this proposed change.

DATES: Comments should be received by August 31, 1984. Send Comments To: Associate Administrator for Finance and Investment, Small Business Administration, Room 800, 1441 L Street NW., Washington, D.C. 20416.

FOR ADDITIONAL INFORMATION CONTACT: Robert I. Wise (202-653-6900) or James W. Hammersley (202-653-6076), Room 800, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

SUPPLEMENTAL INFORMATION: The Small Business Administration has prepared a proposed revision of the document presently used to execute a sale of the SBA guaranteed portion of a loan into the secondary market using the services of its Fiscal and Transfer Agent (FTA). This revision incorporates several changes that have been suggested by investors, broker/dealers, SBA field personnel and the Small Business Committee on Capital Access. The major changes would:

1. Require the lender to mark the interest accrual method on the form.
2. Require the statement of an interest paid-to date.
3. Require the lender to provide the FTA with ten (10) business days advance notice of a prepayment. This requirement would ultimately be imposed on borrowers.
4. Require the investor to agree in advance to one deferment for a period not to exceed three (3) months if granted by the lender upon borrower's request.
5. Add language regarding replacement of lost or stolen certificates.
6. Add a certification by the lender that any prepayment comes from borrower funds and is not a unilateral repurchase by the lender.
7. Add a notice on the form that any premium paid by the investor is not guaranteed by SBA.

James C. Sanders,

Administrator.

SBA Loan Number ———

SBA Servicing Office Number ———

Secondary Participation Guaranty and Certification Agreement (SBA Form 1086)

(Use this form to apply for an SBA Secondary Participation Guaranty and for issuance of an SBA Guaranteed Interest Certificate in the case where no SBA Form 1084 is outstanding.)

The Small Business Administration, an Agency of the United States Government ("SBA") and the Lender named below ("Lender") entered into a guaranty agreement on SBA Form 750 ("750 Agreement") applicable to a loan ("Loan") made by Lender in participation with SBA to the Borrower ("Borrower") named below evidence by Borrower's Note and any modifications thereto ("Note") a copy of which is attached hereto and incorporated by reference. Lender is the beneficiary under the terms and conditions set forth in the 750 Agreement of SBA's guarantee of the specified percentage of the outstanding balance of the Loan ("Guaranteed Interest").

Lender ———
Address ———
Zip ———
Date of 750 Agreement ———
Date of Note ———
Borrower ———
Address ———
Zip ———
Percent of SBA's Guarantee ———%
Original Face Amount of Note $ ———
Lender Hereby Assigns the Guaranteed Interest to Purchaser Named Below:
Purchaser ———
———
Address ———
Zip ———
Lender certifies the following as of the date hereof:
Outstanding principal amount of loan $———
Outstanding principal amount of Guaranteed Interest $ ———
Interest is paid to but not including: (Date) ———
Interest is calculated on
(Check one): ——— 30/60 ——— Actual Days/365 ———
Other (specify) ———

This interest accrual method shall be maintained for the life of the loan. Lender's servicing fee as computed on the unpaid principal amount of the Guaranteed Interest for the period of actual services performed by Lender shall be: ———% per annum.

Purchaser hereby purchases the Guaranteed Interest and requests SBA to issue through the Fiscal and Transfer Agent (FTA) a Guaranteed Interest Certificate ("Certificate") evidencing ownership of the Guaranteed Interest in the name of: (if blank, FTA will register to Purchaser):

Registered Holder: ———
Address ———
Zip ———

(such person or entity, or any subsequent transferee, during its respective period of ownership of the Certificate, to be called "Registered Holder"). Purchaser shall pay FTA an original issuance fee of 1/10 of 1% of the outstanding principal amount of the Guaranteed Interest as of the date of assignment, which fee shall be remitted to FTA before a Certificate can be issued.

SBA, Lender and Purchaser (for itself and each subsequent Registered Holder) agree to the appointment by SBA of FTA to serve as the agent to transfer Certificates and to receive from Lender loan repayments made by Borrower and transmit such payments to purchaser or to any subsequent Registered Holder. FTA's servicing fee shall be 1/8 of 1% per annum computed on the unpaid balance of the principal amount of the Guaranteed Interest for the period of actual services performed by FTA. All payments by lender must be remitted to FTA and not to purchaser or to any subsequent registered holder.

Any written notification to or demand upon SBA pursuant to this Agreement shall be made to:

SBA Servicing Office _____
Address _____
Zip _____

In consideration of the mutual promises herein contained, the parties agree to all the provisions of this Agreement, including those set forth above and those set forth hereafter in the Terms and Conditions following and hereby made a part hereof. (The term "Holder" as it appears in said Terms and Conditions relates to SBA Form 1085 and does not pertain to this SBA Form 1086.)

IN WITNESS WHEREOF, the parties have executed this Agreement this _____ day of _____ 19— (SBA Warranty Date) at _____ _____

(Purchaser) _____
By: _____
Title: _____
(Lender) _____
By: _____
Title: _____

SBA Form 1086 (/84)
SMALL BUSINESS ADMINISTRATION
By: _____
Title: _____

Agreed to and Accepted by Fiscal and Transfer Agent: Bradford Trust Company, P.O. Box 54, Bowling Green Station, New York, New York 10004.

Note.—The guarantee of SBA relates to the unpaid principal balance of the guaranteed portion and the interest due thereon. Any premium paid by the purchaser for the guaranteed interest is not covered by SBA's guarantee and is subject to loss in the event of prepayment or default.

Terms and Conditions

(These Terms and Conditions are an integral part of SBA Forms 1085 and 1086)

1. *Lender's Sale of Guaranteed Interest.* Lender has sold the Guaranteed Interest and acknowledges that it has received full value for the Guaranteed Interest. Lender has given notice and acknowledgment of the transfer of the Guaranteed Interest by completing the following legend on the Note:

The guaranteed portion of this Note has been transferred to a purchaser for value.

Dated: _____
(Lender) _____

Lender has delivered or hereby delivers to SBA a photocopy of the Note and any modifications thereto with the legend, and such photocopy shall be incorporated into this Agreement. This legend shall also serve as notification for any future transfer of the Guaranteed Interest.

2. *Loan Servicing.* Lender shall remain obligated under the terms and conditions of the 750 Agreement, and shall continue to service the Loan in the manner set forth in the 750 Agreement. Modifications in the 750 Agreement or to the Note not affecting repayment terms of the Note may be effected by Lender or SBA without the consent of Purchaser or Holder (as the case may be) or any subsequent Registered Holder. To aid the orderly repayment of Borrower's indebtedness, Lender, at the request of the Borrower, may grant one deferment of Borrower's scheduled payments for a continuous period not to exceed three (3) months of past or future installments. Lender shall immediately notify FTA and SBA in writing of any deferment approval, the term of such deferment, and the date Borrower is to resume repayment of its obligation. The effect on the Registered Holder is as follows: If Borrower was in default for less than sixty calendar days when Lender authorizes a deferment: (a) no demand for repurchase of the Guaranteed Interest may be made during the deferment period, and (b) Borrower's uncured default, for the purpose of purchase demand, cannot commence before the first scheduled installment following the deferment period. Lender shall not authorize any additional deferment or an extension of Loan maturity without the prior written consent of the Registered Holder. Lender shall not authorize any deferment where the aggregate sum of the deferred installments exceeds 20% of the original loan amount. No change in the terms and conditions of repayment of the Note other than the deferment authorized in this paragraph shall be made by Lender or SBA without the prior written consent of Registered Holder.

3. *Obligations and Representations of Lender.* Lender hereby certifies that the Loan has been made and disbursed and that the full amount of the guaranty fee has been paid to SBA. SBA acknowledges receipt of the guaranty fee, and acknowledges that the outstanding principal amount of the Guaranteed Interest and date to which interest is paid thereon is certified by Lender are accepted by SBA and have been warranted by SBA to Purchaser as of the SBA warranty date; provided, however, that Lender shall be liable to SBA for any damage to SBA resulting from any error in the certified principal amount, percentage of the Guaranteed Interest, or date to which interest is paid. Lender represents that as of the execution of this Agreement neither it nor any of its directors, officers, employees, or agents has or should have, through the exercise of reasonable diligence, any actual or constructive knowledge of any default by Borrower or has any information indicating the likelihood of a default by Borrower or the likelihood of prepayment of the Loan (by refinancing or otherwise). Lender hereby acknowledges that it has no authority pursuant to this Agreement to unilaterally repurchase the Guaranteed Interest from Registered Holder.

4. *Obligations and Representations of Registered Holder.* Pursuant to this Agreement, SBA shall purchase the Guaranteed Interest from Registered Holder regardless of whether SBA has any knowledge of possible negligence, fraud or misrepresentation on the part of Lender or Borrower, provided neither Registered Holder nor any person or entity having the beneficial interest in the Guaranteed Interest participated in, or at the time it purchased the Guaranteed Interest had knowledge of, such negligence, fraud or misrepresentation. Subject to the provisions of 18 U.S.C. 1001 (relating, among other things, to false claims), Registered Holder and any person or entity having the beneficial interest therein hereby warrants that, it was not the Borrower, Lender, or an "Associate" of either of them (as defined in Title 13, Code of Federal Regulations, Part 120), and had neither participated in nor been aware of any negligence, fraud or misrepresentation by Lender or Borrower with respect to the underlying Note or related Loan documentation. Neither execution hereof by SBA, or purchase by SBA from Registered Holder shall constitute any waiver by SBA of any right of recovery against Lender, Registered Holder, or any other person or entity. Purchaser (for itself and each subsequent Registered Holder) or Holder (for itself and each subsequent Registered Holder) hereby acknowledges that the Loan may be terminated on a date other than its maturity date, in which case the Certificate will be called for redemption and will cease to accrue interest as of the date of such termination.

5. *Issuance of Guaranteed Interest Certificates.* SBA, Lender, and Purchaser (for itself and each subsequent Registered Holder) or Holder (for itself and each subsequent Registered Holder) agree that ownership of the Guaranteed Interest shall be evidenced by a Certificate to be issued by SBA. SBA shall issue such Certificate, either through its own facilities or by designating and authorizing such issuance by FTA.

FTA shall be the custodian of the executed original of this Agreement; it shall be delivered to FTA by SBA immediately after execution by SBA. A conformed copy shall be retained by

SBA, and a conformed copy shall be delivered to Lender by SBA. Each Registered Holder shall receive the Certificate described herein. Upon request therefor and payment of a reproduction fee, a Registered Holder may obtain from FTA a copy of the executed SBA Form 1085 or SBA Form 1086 (as the case may be) pertaining to the Guaranteed Interest represented by the Certificate.

Upon completion of execution of this Agreement, SBA, through FTA, shall issue to Purchaser or Holder (as the case may be) (or, if FTA is timely so notified in writing by Purchaser or Holder, the Purchaser's or Holder's assignee) a Certificate evidencing the ownership of the Guaranteed Interest of the Loan. If Registered Holder is not the person or entity having the beneficial interest in the Certificate, Registered Holder hereby agrees that it will obtain from the person or entity having the beneficial interest in the Certificate authorization appointing Registered Holder as the agent of such person or entity with respect to all transactions arising out of the performance of their respective obligations under SBA Form 1085 or SBA Form 1086 (as the case may be). The Certificate shall identify the Loan and shall state, among other things: (i) The name of the Registered Holder, (ii) the Principal Amount of Guaranteed Interest as of the SBA Warranty Date, (iii) the Certificate Interest Rate, (iv) the Borrower's Payment Date, and (v) the date to which interest is paid as of the SBA Warranty Date. Transfer of the Guaranteed Interest by Registered Holder may be effected by the transferee (i) obtaining from the transferor the execution of the assignment form on the reverse of the Certificate or, alternatively, on a form of detached assignment approved by SBA, (ii) presenting the Certificate and assignment to FTA for registration of transfer and issuance of a new Certificate to the transferee, and (iii) paying to FTA a Certificate issuance fee to be set from time to time by SBA. The new Certificate shall state, in lieu of the Principal Amount of Guaranteed Intlerest as of the SBA Warranty date and in lieu of the date to which interest is paid as of the SBA Warranty Date: (i) The Principal Amount of Guaranteed Interest due transferee, and (ii) the date from which interest will accrue to transferee as reflected in FTA's accounting records.

6. *Obligations of Lender.* Lender shall have the obligation to account to FTA as follows:

(a) On the last business day of each month in which a payment is due and payable under the Note by Borrower (except when such payment is received on the last business day prior thereto, in which case then within two business days of receipt by Lender), Lender shall send to FTA a statement of account which shall state whether or not Borrower's payment has been received for such month. If payment has been received: (i) The statement of account shall also state (A) the total amount received from Borrower under the Note, (B) the date on which such payment was received, (C) the pro rata share of interest due FTA with respect to the Guaranteed Interest (less Lender's servicing fee), (D) the pro rata share of principal due FTA, with respect to the Guaranteed Interest, (E) the total amount to be remitted to FTA, and (F) the remaining outstanding principal balance of the Guaranteed Interest; (ii) Lender shall send to FTA with the statement of account the pro rata share of such payment with respect to the Guaranteed Interest (less only Lender's servicing fee deducted from the interest payment by Borrower) as stated on the statement on account. If the statement of account received from Lender fails to specify the date on which Borrower's payment was received, then FTA may apply such payment as if borrower's payment was received by Lender on the date due under the Note.

(b) If a payment by Borrower is received by a Lender in a month after the month is which due and payable under the Note, the Lender shall send to FTA within two business days of receipt by Lender: (i) A statement of account as described in subparagraph 6(a), and (ii) the pro rata share of such payment with respect to the Guaranteed Interest (less only Lender's servicing fee deducted from interest payments by Borrower).

(c) If Lender fails to make timely remittance to FTA of the pro rata share of any payment received from Borrower, Lender shall pay FTA (i) interest on the unremitted amount at the rate provided in the Note (less the rate of Lender's servicing fee), plus (ii) a late payment charge of 1% per month (or any part thereof) on the unremitted amount, such interest and charge to be remitted to FTA with such pro rata share.

7 *Obligations of FTA.* FTA shall have the obligation, with respect to payments received from Lender pursuant to Paragraph 5 above, to remit to Registered Holder any such payment (less FTA's servicing fee, any other applicable fees, and any late payment charges due FTA if such charge has been collected from Lender) as follows:

(a) Any payment (other than a prepayment of principal) received by FTA before the fifteenth day of the month following Borrower's scheduled payment month will be remitted to Registered Holder by the fifteenth day of such following month. In such case, any additional interest and late payment charge paid by Lender pursuant to paragraph 6 hereof shall be retained by and shall become the property of FTA.

(b) Any payment (other than a prepayment of principal) not received by FTA by the fifteenth day of the month following Borrower's scheduled payment month will be advanced by FTA if FTA has been notified by Lender before the fifteenth day of such following month that Borrower's payment has been received, and provided that Lender is not then in arrears in remitting to FTA any payment by the same Borrower. In such case, any additional interest and late payment charge paid by Lender pursuant to paragraph 6 hereof shall be retained by and shall become the property of FTA.

(c) Any payment (other than a prepayment of principal) received by FTA on or after the fifteenth day of the month following Borrower's scheduled payment month but not advance by FTA pursuant to subparagraph 7(b) above will be remitted to Registered Holder within two (2) business days of receipt by FTA. In such case, any additional interest received by FTA pursuant to paragraph 6 hereof and allocated to the period after the fifteenth day of such following month plus any late payment charge received FTA shall be remitted to Registered Holder, and the balance of any such additional interest received by FTA shall be retained by and shall become the property of FTA.

(d) Other amount received by FTA from Lender which are not prepayments subject to Paragraph 16, may be held by FTA and applied as required herein.

(e) Upon presentation by Registered Holder of the Certificate, amounts received by FTA from Lender or SBA which would constitute a full redemption of the Certificate, or a prepayment subject to Paragraph 16, shall be remitted by FTA to Registered Holder by wire transfer within two (2) business days of receipt of immediately available funds by the FTA in accordance with Registered Holder's instructions.

(f) Each Remittance by FTA to Register Holder shall be accomplished by a statement of the amount allocable to interest, the amount allocable to principal, and the remaining principal balance as of the date on which such allocations were calculated.

(g) If FTA fails to make timely remittance to Registered Holder in

accordance with the above provisions, FTA shall pay to Registered Holder (i) interest on the unremitted amount at the rate provided in the Note (less the rate of Lender's servicing fee and any other applicable fees, plus (ii) a late payment charge of 1% per month (or any part thereof) on the amount of such payment.

8. *Transferability of Guranteed Interest.* Purchase or Holder (as the case may be) and each subsequent Registered Holder desire to establish and maintain under this Agreement the right to assign the Guaranteed Interest. Each Register Holder of the Guaranteed Interest shall be deemed to have represented that, to the best of its knowledge, it has, and so long as it is Register Holder it will have, no interest in Borrower, in the Note, or in the collateral hypothecated to the Loan, other than the Guaranteed Interest held under this Agreement, and that it will not service or attempt to service the Loan or secure or attempt to secure additional collateral from Borrower.

Registered Holder, without the prior consent of SBA, Lender of FTA, may transfer the ownership of the Guaranteed Interest to a subsequent transferee, (other than Borrower, or Lender, or an "Associate" of either of them as defined in Title 13, Code of Federal Regulations, Part 120). The effective date of any such transfer of the Guaranteed Interest shall be the date on which such transfer is registered on the books of FTA. If Lender, FTA or SBA shall have made any payment to, or taken any action with respect to, the transferor Registered Holder prior to the effective date of the transfer of the Guaranteed Interest, such payment or action shall be final and fully effective, neither SBA, FTA not Lender shall have any further obligation to the transferee Registered Holder with respect to such payment or action; and any adjustment between the transferor and the transferee resulting from any such payment or action by Lender, SBA or FTA shall be the responsibility and obligation solely of the transferor and the transferee. On payment date, FTA will remit payments to the person or entity which, on the books of FTA, is the Registered Holder as of the close of business on the record date, which is the last business day of the prior month. Any other adjustment by and between the transferor and transferee shall be solely their responsibility and obligation. At any given time there shall be only one Registered Holder entitled to the benefits of ownership of the Guaranteed Interest, and each transferor, upon the transfer of the Guaranteed Interest, shall cease to have any right in the Guaranteed Interest or any obligation or commitment under this Agreement, except as to any appropriate adjustment of funds between the transferor and the transferee. FTA shall serve as the central registry of Certificate ownership.

9. *Certificates Lost, Destroyed, or Stolen.* If any Certificate shall be lost, destroyed, or stolen, evidence thereof may be submitted to FTA and, if such evidence is satisfactory to the FTA, and if an indemnity satisfactory to FTA shall be given, the FTA at the expense of the Registered Holder shall prepare, execute, and deliver a new Certificate numbered as the FTA shall determine, in lieu of and in substitution for the Certificate so lost, destroyed, or stolen. The FTA may require payment of a Certificate issuance fee for each new Certificate delivered under this paragraph, and for the expenses which may be incurred by FTA in carrying out its duties under this paragraph.

10. *Appointment of Fiscal and Transfer Agent.* SBA has the authority to appoint or to withdraw the appointment of an organization to serve as the FTA, subject to any contractual agreement between SBA and the appointed FTA. Notice of the appointment, removal, or any other action with regard to the designation and authority of FTA shall be published in the Federal Register. Purchaser (for itself and each subsequent Registered Holder) or Holder (for itself and each subsequent Registered Holder) agrees to, designates and accepts the appointment of FTA for its services and all other actions and functions of FTA under this Agreement.

11. *Repurchase by Lender.* If Borrower shall default on any payment of principal or interest due under the Note for sixty (60) calendar days or more, FTA, on behalf of Registered Holder, shall make written demand first upon Lender to purchase the Guaranteed Interest, and if Lender fails to make such repurchase, upon SBA.

(a) When demand for repurchase is made upon Lender, Lender shall, within ten (10) business days after receipt of the written demand, have the option to repurchase the Guaranteed Interest for an amount equal to the outstanding principal balance and interest (less Lender's servicing fee) due FTA as of the repurchase date, plus an amount equal to the pro rata share with respect to the Guaranteed Interest of any payments by Borrower not remitted by Lender to FTA, plus any additional interest and late payment charges thereon pursuant to paragraph 6 or paragraph 7 above. If Lender chooses to repurchase, it shall (i) transmit written notice of such intention to FTA within ten (10) business days after receipt of FTA's written demand, and (ii) provide FTA with a certification that Borrower has incurred an uncured default under the Note for sixty (60) calendar days or more, and repurchase is being made pursuant to this paragraph.

(b) FTA shall, upon receipt of notice pursuant to this paragraph, advise Lender of the repurchase date (which shall not be more than five (5) business days after FTA's receipt of Lender's notice), of the outstanding principal amount, and the accrued interest due FTA as of settlement date, and any additional interest and late payment charges pursuant to paragraph 6 or 7 hereof. On repurchase date, Lender shall remit to FTA the total amount to be paid to FTA by wire transfer in immediately available funds. FTA is not required to accept any repurchase except as described herein.

(c) Written demand by FTA upon SBA for the purchase of the Guaranteed Interest shall be made not later than two hundred ten (210) calendar days after the first date of an uncured default by borrower. If FTA does not make such demand by such 210th day, interest shall cease to accrue on the certificate after the end of such period. For the purposes of this subparagraph, the written demand shall include the items described in paragraph 12 (i) through (iv).

Upon receipt of the purchase amount from Lender or SBA, FTA shall remit to Registered Holder such amount (less FTA's servicing fee and any other applicable fees, any advances and interest thereon remitted by FTA to Registered Holder), and any additional interest or late payment charges due FTA pursuant to Paragraphs 6 or 7 hereof in accordance with paragraph 7 FTA may also deduct from such amount a final transfer charge for the final transfer and redemption of the Certificate, the amount of such final transfer charge not to exceed the normal transfer charge. Upon repurchase of the Guaranteed Interest by Lender, the rights and obligations of Lender, FTA and SBA shall be governed by the 750 Agreement and any continuing provisions of this Agreement (as applicable). FTA shall send written notification to SBA of (i) the repurchase by Lender, (ii) the repurchase date, and (iii) the outstanding balance of principal and accrued interest owed by Borrower as of Lender's repurchase date.

12. *Purchase by SBA.* If Lender shall fail for any reason to repurchase the Guaranteed Interest as set forth in Paragraph 11 hereof, SBA shall purchase

the Guaranteed Interest within thirty (30) business days after receipt of (i) written notice from FTA of Lender's failure to repurchase, together with (ii) a copy of the written demand made upon Lender, (iii) a transcript and final statement of account of the Guaranteed Interest satisfactory to SBA, and (iv) the required affidavit. Calculation of the purchase amounts under this Agreement shall be based upon information to be furnished by Lender. If Lender fails to furnish a current transcript statement as required by paragraph 14(i) and (ii) within two (2) business days after SBA's request therefor, then SBA may rely on the certified statement of account, with supporting documentation, from FTA. If any such information shall be inaccurate, whether inadvertently or otherwise, an appropriate adjustment in settlement will be made as expeditiously as possible. Under no circumstances shall SBA be liable for any amount attributable to any late payment charges which may be due FTA or Registered Holder. Upon written demand by SBA, Lender shall immediately repay to SBA the amount, if any, by which the amount paid by SBA exceeds the amount of SBA's obligation to Lender under the 750 Agreement, and the amount paid by SBA for any repayments by Borrower which were not remitted by Lender to FTA (including accrued interest thereon), plus accrued interest (at the interest rate provided in the Note) computed on the unpaid balance of the Guaranteed Interest from the date of said purchase by SBA to the date of repayment by Lender. The procedure for the delivery and cancellation of the Certificate, including payment of a final transfer charge, shall be the same as provided in Paragraph 11 hereof. Upon purchase of the Guaranteed Interest by SBA, the rights and obligations as between Lender and SBA shall be governed by the 750 Agreement and any continuing provisions of this Agreement, and SBA shall be deemed a transferee of the Guaranteed Interest and the final Registered Holder thereof with all the rights and privileges of such Registered Holder under this Agreement.

13. *Default by Lender.* In the event Lender shall fail for any reason to remit to FTA the pro rata share with respect to the Guaranteed Interest of any payment made by Borrower, pursuant to Paragraph 6 hereof, for a period of seventy-five (75) calendar days or more from the date such payment was due, Lender, after receipt of FTA's written demand, shall repurchase, through FTA, the Guaranteed Interest from Registered Holder pursuant to the terms stated in Paragraph 11 hereof. If Lender does not so repurchase from Registered Holder as provided in this Paragraph, then SBA shall, within thirty (30) business days after receipt by SBA of written notice from FTA of Lender's failure to repurchase as provided in this Paragraph, purchase (through FTA) the Guaranteed Interest from Registered Holder pursuant to the terms stated in Paragraph 12 hereof, provided, however, that under no circumstances shall SBA be liable for any amount attributable to any late payment charge. If SBA purchases from Registered Holder pursuant to this Paragraph, and if Borrower has not been in uncured default in any payment due under the Note for sixty (60) calendar days or more, Lender shall, within ten (10) business days after written demand by SBA, repurchase the Guaranteed Interest from SBA for an amount equal to the amount paid by SBA to Registered Holder plus accrued interest (at the interest rate provided in the Note) from the date of the SBA purchase to the date of Lender's repurchase. If, on the date SBA purchases the Guaranteed Interest from Registered Holder pursuant to this Paragraph, Borrower shall be in uncured default of any payment due on the Note for sixty (60) calendar days or more, then the provisions of Paragraph 12 hereof shall become applicable, including (i) the obligation of Lender to repay to SBA the amounts paid by SBA to Registered Holder in excess of the amount of SBA's obligation to Lender under the 750 Agreement, and (ii) any repayments by Borrower which were not remitted by Lender to FTA, plus accrued interest (at the interest rate provided in the Note) computed on the unpaid balance of the Guaranteed Interest. Calculation of the purchase amounts under this Agreement shall be based upon information to be furnished by Lender. If Lender fails to furnish a current transcript statement as required by paragraph 14 (i) and (ii) within two (2) business days after SBA's request therefor, then SBA may rely on the certified statement of account, with supporting documentation, from FTA. If any such information shall be inaccurate, whether inadvertently or otherwise, an appropriate adjustment and settlement will be made as expeditiously as possible.

14. *Other Obligations of Lender.* Lender hereby consents to the purchase of the Guaranteed Interest by SBA in accordance with Paragraphs 12 and 13 hereof, and shall, within two (2) business days of a request therefor, furnish to SBA and to FTA (i) a transcript of account, (ii) a current certified statement of the unpaid principal and interest then owed by Borrower on the Note, and (iii) a statement covering any repayments by Borrower not remitted by Lender to FTA. Upon request by FTA at any time, Lender shall issue a certified statement of the outstanding principal amount of the Guaranteed Interest and the effective interest rate on the Note as of the date of such certified statement. Lender agrees that purchase of the Guaranteed Interest by SBA does not release or otherwise modify any of Lender's obligations to SBA arising from the Loan or the 750 Agreement and that such purchase does not waive any of SBA's rights against Lender. Lender also agrees that SBA, as the final owner of the Guaranteed Interest under this Agreement, in addition to all its rights under the 750 Agreement with Lender, shall also have the right to set-off against Lender all rights inuring to SBA under this Agreement against SBA's obligation to Lender under the 750 Agreement. After any purchase of the Guaranteed Interest by SBA, Lender shall assign, transfer and deliver the Note and related loan documents to SBA upon the written request of SBA.

15. *Default by Fiscal and Transfer Agent.* In the event FTA receives any payment from Lender or SBA which FTA fails to remit to Registered Holder pursuant to this Agreement, Registered Holder shall have the right to make written demand upon FTA for any payment unremitted by FTA. If FTA fails to remit any such payment within ten (10) business days of such demand, Registered Holder shall have the right to make written demand upon SBA therefor. SBA shall make such payment to Registered Holder within thirty (30) business days of receipt of such written demand, provided SBA can verify the non-payment by FTA within thirty (30) business days, or otherwise immediately after such verification. SBA shall make such payment directly to Registered Holder in the amount of the unremitted payment plus interest at the Certificate rate to the date of payment by SBA. FTA shall repay SBA for such payment by SBA to Registered Holder within ten (10) business days after receipt of written demand by SBA in an amount equal to the payment by SBA to Registered Holder plus interest (at the interest rate provided in the Certificate) computed on the upaid balance of the Guaranteed Interest, from the date of SBA's payment to Registered Holder to the date of FTA's repayment to SBA.

16. *Prepayment or Refinancing by Borrower.* Lender shall transmit notice to FTA of Borrower's intent to make (by

refinancing or otherwise and pursuant to the terms of the Note) a partial prepayment of principal subject to this paragraph, or a total prepayment of principal, which notice shall be received by FTA at least ten (10) business days prior to prepayment date. The "prepayment date" is the date prior to maturity that Borrower has established on which immediately available funds shall be used to made the prepayment. Lender's notice to FTA shall contain the following:

(1) The prepayment date,

(2) The principal amount being prepaid, and

(3) A payment certification by Lender that to the best of its knowledge and belief the prepayment funds are either Borrower's own funds, or funds borrowed from it or another lending institution pursuant to a separate transaction, and the prepayment is in accordance with the terms of this paragraph and the Note, and applicable law. This certification is intended to guard against Lender's unilateral repurchase of the Guaranteed Interest from the Registered Holder.

A partial prepayment of principal subject to this paragraph is any payment which is greater than the sum of three regularly scheduled payments. FTA is not required to accept any prepayment except as described herein. FTA shall upon receipt of notice pursuant to this paragraph advise Lender of the outstanding principal amount and the accrued interest due FTA as of prepayment date, plus any additional interest and late payment charges pursuant to paragraph 6 or 7 hereof. On prepayment date, Lender shall remit to FTA the total amount to be paid to FTA by wire transfer in immediately available funds.

17 *Option to Purchase by SBA.* Pursuant to the 750 Agreement, SBA shall at any time have the option to purchase the Guaranteed Interest. Failure by Registered Holder to timely submit the Certificate to FTA for redemption upon FTA's request therefor will not entitle Registered Holder to accrued interest in excess of that normally paid by SBA in a unilateral purchase.

18. *Separate or Side Agreements.* No other separate or side agreement between Lender and Registered Holder, between a Registered Holder and a subsequent transferee, between FTA and Lender, or between FTA and any Registered Holder, shall in any way obligate SBA to make any payment except as provided herein, nor shall it modify the nature or extent of SBA's rights or obligations under the terms of this Agreement or of the 750 Agreement.

19. *Indemnity and Force Majeure.* Each party to this Agreement (including FTA), for itself and its successors and assigns, agrees to indemnify and hold harmless any other party (including FTA) against any liability or expense arising under this Agreement or SBA Form 1084 which is due to its negligence and/or breach of contractual obligation, except that no party hereto (including FTA) shall be liable to any other party or to Registered Holder for any action it takes, suffers or omits that is (i) authorized by this Agreement or (ii) pursuant to a communication received by such party (including FTA) from any other party or from Registered Holder which is not contrary to this Agreement and which a prudent person in like circumstances would reasonably believe to be genuine, lawful and duly authorized by the sender. If any party hereto (including FTA) is in doubt as to the applicability of this Agreement to a communication it has received, it may refer the matter to SBA for an opinion as to whether it may take, suffer or omit any action pursuant to such communication. Under no circumstances, however, shall any party hereto (including FTA) be held liable to any person or entity for special or consequential damages or for attorneys' fees or expenses in connection with its performance under this Agreement or SBA Form 1084. If any party hereto (including FTA) shall be delayed in its performance hereunder or prevented entirely or in part from completing such performance due to causes or events beyond its control (including and without limitation, Act of God; postal malfunction or delay; interruption of power or other utility, transportation or communication services; act of civil or military authority; sabotage; national emergency; war; explosion, flood, accident, earthquake or other catastrophe; fire; strike or other labor problem; legal action; present or future law, governmental order, rule or regulation; or shortage of suitable parts, materials, labor or transportation) such delay or non-performance shall be excused and the reasonable time for performance in connection with this Agreement shall be extended to include the period of such delay or non-performance.

20. *Inconsistent Provisions and Caption Headings.* Any inconsistency between this Agreement and the 750 Agreement shall be resolved in favor of this Agreement. Any inconsistency between this Agreement and Title 13, Code of Federal Regulations, shall be resolved in favor of Title 13. The caption headings for the various paragraphs herein are for ease of reference only and are not to be deemed part of these Terms and Conditions.

[FR Doc. 84-17000 Filed 6-29-84; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP83-10; Notice 2]

BF Goodrich Co., Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by BF Goodrich Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on July 28, 1983, and an opportunity afforded for comment (48 FR 34392).

Paragraph S6.5(d) of Standard No. 119 requires tires to be marked with the maximum load rating and corresponding tire inflation pressure. Petitioner has produced 230 10.00R20 Load Range G Extra Miler Radial DB tires with information appropriate for H range tires. The sidewalls are marked:

Max. Load Single 6610 lbs. at 120 PSI Cold

Max. Load Dual 5800 lbs. at 110 PSI Cold

The correct information is:

Max. Load Single 6040 lbs. at 105 PSI Cold

Max. Load Dual 5300 lbs. at 95 PSI Cold

Petitioner argued that the noncompliance was inconsequential because the tire is branded with correct size and load range "G" applications and otherwise meets Standard No. 119. If tested tires from the same production lot under the load and inflation conditions for both load range G and H tires in accordance with Standard No. 119 requirements and stated that "all of the tires tested for endurance and static breaking energy exceeded the requirements by substantial margins." Further, proper tread labels on the tires at time of sale correctly identified them.

No comments were received on the petition.

The mislabeling in question indicates a higher load capacity at a higher inflation pressure than the tires are

capable of and designed to carry. The agency considers it unlikely, however, that the tires will be operated in an overinflated or overloaded condition. Trucking companies, the most likely purchasers of these tires, follow procedures that do not rely on sidewall information as much as general consumers do. These procedures employ a set of inflation pressures per tire load range, and as the tires are correctly marked Load Range G, the agency believes that they will be inflated to pressures appropriate for that load range.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 25, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-17470 Filed 6-29-84; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-16; Notice 2]

Carabela USA Inc., Action on Petition for Determination of Inconsequential Noncompliance

This notice grants in part and denies in part the petition by Carabela USA Inc. of Tulsa, Oklahoma, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for noncompliances with three Federal motor vehicle safety standards. The standards are 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars;* 49 CFR 571.120, Motor Vehicle Safety Standard No. 120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars;* 49 CFR 571.123, Motor Vehicle Safety Standard No. 123, *Motorcycle Controls and Displays.* The basis of the petition was that the noncompliances are inconsequential as they relate to motor vehicle safety.

Notice of the petition was published on September 27 1983, and an opportunity afforded for comment (48 FR 44141).

Carabela is a wholly-owned subsidiary of a Mexican corporation, Motocicletas Carabela, S.A. (and/or Acer-Mex S.A.) which manufactures and exports the motor-driven cycles distributed by Carabela USA in the United States. The noncompliances cover motor-driven cycles imported from May 1975 through December 1981 under the brand name Carabela and the model names Sport, Super Sport, Super Deluxe, Motomatic, and Carrera. Over 5,400 vehicles are believed to be noncompliant with one or more of the standards. The noncompliances came to light during the course of a compliance investigation by NHTSA (agency file number CIR 2520).

Standard No. 119. Paragraph S6.4 requires each motorcycle tire to have at least three indicators which permit a visual determination that the tire has worn to a tread depth of 1/32d of an inch. Such indicators are lacking on tires on the motor-driven cycles imported by Carabela. The petitioner argued that this noncompliance is inconsequential because visual observation is itself equally indicative of treadwear on the tire, and that its chief importance is in determining when to replace the tire. Because a motor-driven cycle is used intermittently under low speed conditions, the treadwear is closely correlated to the useful life of the machine; "Therefore, with the presence of such indicator being for information purposes, the negative implication thereof is essentially that the absence of such is inconsequential to the safe operation especially under circumstances characteristic of the use of this type vehicle."

Paragraph S6.5(b) of Standard No. 119 requires at least one sidewall of a motorcycle tire to be marked with a tire identification number. This number is omitted from tires on vehicles imported by the petitioner. Carabela USA argued that this is inconsequential as it relates to safety since it does not adversely affect the safe operation of the vehicle and becomes important only if the tires must be recalled for a noncompliance or safety-related defect; "this noncompliance * * * does not presently present a threat * * * absent a discovered defect, not presently existing, which could be alternatively remedied."

Standard No. 120. Paragraph S5.3.3 requires each motor-driven cycle to be labelled with the cold inflation pressure of its tires. Labels provided by the petitioner fail to indicate cold inflation pressure for the rear tires. Petitioner argued that this is inconsequential because an operator could derive the correct value, 20 psi, inferentially from the value of 20 psi specified for the front tire (the front tire and rear tire size and rim are identical; the gross axle weight rating at the front is 125 pounds, and, at the rear, 175 pounds).

Paragraph S5.2(b) requires motorcycle rims to be marked with the rim size designation. This has been erroneously given as 16 inches on 544 Carrera models when the correct designation is 17 inches. Petitioner argued that this is unimportant "inasmuch as such designation is * * * informational for purposes of replacement."

Finally, the rims on most machines fail to bear the DOT symbol as required by paragraph S5.2(c). In petitioner's view this is unimportant as it serves an informational purpose only.

Standard No. 123. This standard specifies operating positions for the manual fuel shutoff control, "off" with the control forward, "on" with the control downward, and "reserve" (if provided) with the control upward. On Carabela machines the control is installed at an angle, which results in an operational mode other than that specified in the standard. Petitioner argued that this has an inconsequential relationship to safety because "the utilization of the device is not involved in the motoring operation of the Moped" and "occurs essentially in a nonmotoring environment."

No comments were received on the petition.

The NHTSA has decided to grant in part and deny in part Carabela's requests.

Standard No. 119. The agency disagrees with Carabela's argument that visual observation is an acceptable substitute for treadwear indicators. Indeed, it was precisely because NHTSA deemed a subjective judgment inadequate for motor vehicle safety that it adopted the requirement for treadwear indicators.

With respect to the tire identification number, Carabela admits that it is important in the event the tire become subject to a notification and remedy campaign. NHTSA concurs, and if that number is lacking or incomplete, a campaign is diminished in its effectiveness.

Accordingly, petitioner has failed to sustain its burden of persuasion that its noncompliances with Standard No. 119 are inconsequential as they relate to motor vehicles safety, and its petition is denied.

Standard No. 120. NHTSA deems these noncompliances relatively unimportant. It agrees with Carabela's argument that an operator may infer the correct inflation value for the rear tire from the information specified for the front tire. Further, a consumer in need for information as to rim size

designation in the event of replacement may obtain it from the sidewall of the tire. Finally, lack of a DOT symbol does not *per se* affect either the performance or informational characteristics of the rim.

Accordingly, petitioner has met its burden of persuasion that the noncompliances with Standard No. 120 herein described are inconsequential as they relate to motor vehicle safety, and its petition is granted.

Standard No. 123. The agency has reviewed a drawing of the fuel control and its noncompliant mounting location. It finds that the three positions of the control, on, off, and reserve, are located relative to each other in the manner prescribed by the standard. Therefore, the noncompliance appears technical in nature. In reaching this decision, the agency finds that the noncompliance with Standard No. 123 is inconsequential as it relates to motor vehicle safety. The petition is granted.

The engineer and attorney primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 25, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-17473 Filed 6-29-84; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-12; Notice 4]

Uniroyal Tire Co., Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the appeal by Uniroyal Tire Company of Troy, Michigan, of the denial of its petition to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, *New Pneumatic Tires—Passenger Cars.* The basis of the original petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on June 17 1982, and an opportunity afforded for comment (47 FR 26273). Notice of the denial was published on June 23, 1983 (48 FR 23778). Notice of the appeal was published on September 6, 1983, with an additional opportunity offered for comment (48 FR 40342).

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewall of each passenger car tire be labeled with the maximum permissible inflation pressure and maximum load rating. Uniroyal manufactured a maximum of 660 L78-15 Snowplow tires with all information correctly stated on the serial side of the tire. On the opposite side, however, appears "Load Range B MAX LOAD 1970 lbs at MAX INFL 32 psi" The correct information is "Load Range C MAX LOAD 2100 lbs at MAX INFL 36 psi" The tires are Load Range C in construction and Uniroyal argued that the error was inconsequential "since the load range C load and inflation values totally embrace the load and inflation range of load range B, no misuse can occur in the field * * *"

In denying Uniroyal's petition, NHTSA commented that the tires that are the subject of the petition with their higher than normal load carrying capacity were specifically designed for use on vehicles intended to carry heavier loads than ordinary passenger sedans. They have been used as original equipment on large station wagons, vans, and pickup trucks. If the tires were mounted with the incorrect information facing outward, it is likely that the tires would not be inflated beyond 32 psi. This could threaten the integrity of the tire because of the overload on it, as well as decreasing the stability of vehicles requiring more than 32 psi on the rear tire, by increasing the potential for oversteer. Should this latter situation occur, the rear tires may skid laterally before the front tires in a severe cornering maneuver, causing the car to spin. The agency therefore concluded that the noncompliance was not inconsequential.

Uniroyal appealed the denial of its petition offering the following arguments in further support that the noncompliance is inconsequential as it relates to motor vehicle safety. The snow tires have been in the field for more than 18 months and the adjustment rate for tires manufactured in the same month as those covered by the petition is only 0.03%. In addition, all tires in the replacement market bear a paper label with the correct information on it. Uniroyal also argued that the primary source of information on inflation pressure is the placard in the vehicle itself, particularly true in this instance because manufacturers recommend different pressures for front and rear snow tires, generally not higher than 32 psi in the front, although the rear tires may require more pressure.

Assuming as NHTSA did that the tires could be mounted with improper inflation pressure, Uniroyal stated that it retested tires under Standard No. 109's high speed and durability requirements using the load requirements for Load Range C and the inflation requirements for the Load Range B. Under these conditions one tire met the 34 hour test requirement while another met the 3.5 hour heat resistance test. Using the stepped-up requirements of the UTQGS heat resistance test, one tire was run up to 4.5 hours, thereby exceeding the requirement for a C rating. Finally,

"Another tire was tested beyond the minimum requirements of the FMVSS durability test (again using the load schedule for C load range tires and the inflation pressure requirements for the B load range), in which we effected a 10% load increase after 34 hours, and another 10% load increase after 42 hours. The tire was removed unfailed after 45 hours."

No comments were received on the petition.

In denying Uniroyal's original petition, NHTSA cited the threat to the integrity of the tires because of the overload on them, as well as the decrease to the stability of the vehicle by increasing the potential for oversteer. Uniroyal sought to counter NHTSA's reasons in its petition appealing the denial, and NHTSA has concluded that the data submitted by Uniroyal demonstrate that the tire can be operated in an overloaded condition without creating a noncompliance with the test provisions of Standard No. 109. However, Uniroyal provided no data, views, or arguments relevant to NHTSA's second concern, that of oversteer. For this reason, NHTSA has determined that petitioner has failed to meet its burden that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby denied.

The engineer and attorney primarily responsible for this notice are A. Y. Casanova and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 28, 1984.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 84-17471 Filed 6-29-84; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Advisory Group on the Studies of Federal-State-Local Fiscal Relations; Establishment and Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 94-463), the Department of the Treasury announces

the establishment and first meeting of an Advisory Group on the Studies of Federal-State-Local Fiscal Relations.

The Advisory group, composed of representatives of 22 organizations of State and local government officials, will provide advice on the design, conduct, and findings of a series of studies on Federal-State-local fiscal relations that the Secretary of the Treasury is instructed to undertake by Pub. L. 98-185, legislation reauthorizing the Revenue Sharing Program. This legislation directs the Secretary to consult with organizations of State and local government officials on the studies. The Advisory Group is to be a major component of the Department's response to this mandate.

The Advisory Group will meet at 9:30 a.m. on July 13 in the Cash Room of the Main Treasury Building. The purpose of the meeting is to develop plans for the operation of the Advisory Group and to review the preliminary plans of the Department for the studies. The agenda for the meeting will include review and comment on the Treasury Department's plans for the following studies:

1. Evaluation of alternative indicators of fiscal capacity for use in the Revenue Sharing formula and in the formulas of other Federal grant-in-aid programs.
2. Review of the formulas used to allocate Revenue Sharing payments.
3. The long-term outlook for the fiscal conditions and capacities of Federal, State, and local governments.
4. The concept of returning revenue sources to State and local governments along with responsibility for programs and activities for which financial assistance is now provided by the Federal government.
5. The impacts of the cyclical behavior of the economy on the finances of Federal, State, and local governments, and the responsiveness of the magnitude and distribution of Federal grants to the problems of State-local governments resulting from cyclical fluctuations.
6. The responsiveness of the distribution of Federal aid to the fiscal capacities of State and local governments, including cost-of-living and cost-of-government considerations.
7 The mathematical forms, data, and administration of Federal grant formulas—including the Revenue Sharing formulas.
8. The impacts on State and local governments of modifications in the provisions of the Internal Revenue Code relating to the deductibility of State-local taxes and the tax-exempt status of State-local securities, along with an evaluation of the potential for trading increases in Revenue Sharing payments for such modifications in the Internal Revenue Code.

The Secretary of the Treasury has waived the 15-day requirement for publication of notice of the establishment of the Advisory Group and of its first meeting. As a major function of the Group is to provide advice on the plans for the studies, a meeting at the earliest possible date is essential. Given the prior commitments of the individuals who will be representing the 22 organizations, July 13 is the only practicable date for the meeting this summer.

Inquiries about the Advisory Group should be directed to Robert W. Rafuse, Jr., Deputy Assistant Secretary (State and Local Finance), Room 3026, Main Treasury Building, 15th and Pennsylvania, NW., Washington, D.C. 20220, telephone (202) 566-8661.

Thomas J. Healey,

Assistant Secretary (Domestic Finance).

[FR Doc. 84-17644 Filed 6-29-84; 8:45 am]

BILLING CODE 4810-25-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 531; Ref: ATF O 1100]

Delegation to the Deputy Director of Certain Authorities of the Director in 27 CFR Part 71, Statement of Procedural Rules

1. *Purpose.* This order delegates certain authorities of the Director to the Deputy Director.

2. *Background.* a. 26 U.S.C. 6103(d) specifies the conditions under which ATF may disclose returns and return information to State agencies. Disclosure under 26 U.S.C. 6103(d) is limited to State agencies responsible for administering State tax laws and must be preceded by a written request by the head of the State agency which is to receive the information. 27 CFR 71.27(c) states that the Director must give prior approval to any disclosure of ATF records or information to any person outside the Department of the Treasury. 27 CFR 71.27(c) includes, but is not limited to, disclosures made under 26 U.S.C. 6103(d).

b. To facilitate the free exchange of information between ATF and those State agencies authorized to receive such information, ATF has instituted a program of "Exchange of Information Agreements" The agreements are formal written documents which, among other things, insure that the requirements of 26 U.S.C. 6103(d) have been met. Each agreement is signed by the head of the State taxing agency and, as required by 27 CFR 71.27(c), the Director of ATF

c. In the interest of greater operational efficiency, the Director has decided to delegate his authority to approve "Exchange of Information Agreements" to a lower organizational level.

3. *Delegation.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, the authority to approve "Exchange of Information Agreements" with State taxing agencies under 27 CFR 71.27(c), is delegated to the Deputy Director. This authority may not be redelegated.

4. *For Information Contact.* Virginia Yusken, Procedures Branch, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, (202) 566-7602.

5. *Effective Date.* This delegation order becomes effective on July 2, 1984.

Approved: June 22, 1984.

Stephen E. Higgins,

Director.

[FR Doc. 84-17469 Filed 6-29-84; 8:45 am]

BILLING CODE 4810-13-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Availability of Annual Report

Notice is hereby given that the Annual Report of the Veterans Administration Advisory Committee on Health-Related Effects of Herbicides for calendar year 1983 has been issued.

The report summarizes activities of the Committee on matters related to possible health effects of Agent Orange and other herbicides used during the Vietnam conflict on U.S. military personnel. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications, Reading Room, LM 133, Madison Building, Washington, D.C. 20540; and

Mr. Donald J. Rosenblum, Agent Orange Projects Office (10A7), Room 308, Shoreham Building (15th and H Streets), Veterans Administration Central Office, Washington, D.C. 20420.

Dated: June 25, 1984.

By direction of the Administration.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-17491 Filed 6-29-84; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Wage Committee; Meetings

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, July 12, 1984, at 2:30 p.m.
Thursday, July 19, 1984, at 2:30 p.m.
Thursday, August 2, 1984, at 2:30 p.m.
Thursday, August 16, 1984, at 2:30 p.m.
Thursday, August 30, 1984, at 2:30 p.m.
Thursday, September 13, 1984, at 2:30 p.m.
Thursday, September 27, 1984, at 2:30 p.m.

The meetings will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee's will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All protions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairman for the Committee's attention.

Additonal information concerning these meetings may be obtained from the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: June 25, 1984.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 84-17432 Filed 6-29-84; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 128
Monday, July 2, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 6, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17616 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 10, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: National Futures Association Report.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17617 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 13, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17618 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 17 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of the application of the MidAmerica Commodity Exchange for designation as a contract market in platinum.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 245-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17619 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Tuesday, July 17 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement reviews.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17620 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

6

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 20, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17621 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

7

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 24, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Budget Categories, Plans, and Priorities for the Fourth Quarter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17622 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

8

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, July 27 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17623 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

9

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 31, 1984.

PLACE: 2033 K Street, NW., Washington, D.C., 8th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Review of Audit Program.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84-17624 Filed 6-28-84; 1:52 pm]

BILLING CODE 6351-01-M

10

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 1:30 p.m., Monday, July 9, 1984.

LOCATION: Third Floor Hearing Room, 1111–18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY 85 Operating Plan

The Commission will continue its discussion on issues related to the Operating Plan for Fiscal Year 1985.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Dated: June 27, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-17546 Filed 6-27-84; 4:37 pm]

BILLING CODE 6355-01-M

11

COUNCIL ON ENVIRONMENTAL QUALITY

June 28, 1984.

TIME AND DATE: 10:00 a.m.—Tuesday, July 17 1984.

PLACE: Conference Room, First Floor, 722 Jackson Place, NW., Washington, D.C.

MATTERS TO BE CONSIDERED:

1. Under CEQ's NEPA regulations, federal agencies may refer to the Council federal interagency disagreements concerning proposed major federal actions that might cause unsatisfactory environmental effects. (40 CFR Part 1504 *et seq.*). In accordance with this provision the Advisory Council on Historic Preservation has referred the proposed Presidential Parkway in Atlanta, Georgia to the Council on Environmental Quality. At this meeting, the Council will consider and determine procedures for the referral.

Any person or organization that wishes to submit comments on this topic, should present written comments to the Council no later than July 12, 1984. The comments should be restricted to the procedures for the referral and should not address the merits of the issue. All written comments received by July 12 will be considered by the Council prior to the meeting, and oral comments from observers at the meeting will not be received.

2. Other business.

CONTACT PERSON: Send comments to Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

A. Alan Hill,

Chairman.

[FR Doc. 84-17641 Filed 6-28-84; 3:04 pm]

BILLING CODE 3125-01-M

12

FEDERAL COMMUNICATIONS COMMISSION

June 27, 1984.

Deletion of agenda items from June 27th open meeting

The following items have been deleted from the list of agenda items scheduled for consideration at the June 27, 1984, Open Meeting and previously listed in the Commission's Notice of June 20, 1984.

Agenda, Item No., and Subject

Private Radio—1—Title: *Report and Order* in the Matter of Amendment of Part 94 of the Commission's Rules to eliminate the developmental classification of the 13.2–13.25 GHz band. Summary: The FCC will consider the issues raised by the *Notice of Proposed Rule Making* in PR Docket 84–27, released January 1984, to allow private licensees to operate in the 13.2–13.25 GHz band on a regular basis.

Mass Media—5—Title: *License Renewal Application* of JACO, Inc. for renewal of license of Station WJRB, Madison, Tennessee. Summary: The Commission considers a petition to deny the WJRB renewal application filed by the National Black Media Coalition which alleges that the licensee has failed to comply with the Commission's EEO rule.

Issued: June 27, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-17614 Filed 6-28-84; 1:29 pm]

BILLING CODE 6712-01-M

13

FEDERAL COMMUNICATIONS COMMISSION

June 27, 1984.

Deletion of agenda items from June 27th open meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the June 27 1984, Open Meeting and previously listed in the Commission's Notice of June 20, 1984.

Agenda, Item No., and Subject

Common Carrier—3—Title: Amendment of the Commission's rules to allocate spectrum for the establishment of a radiodetermination satellite service, and to establish policies and procedures for the licensing of such systems. Summary: The Commission is considering action on the petition for rulemaking (RM–4426) filed by the Geostar Corporation to allocate spectrum for a radiodetermination satellite system; as well as policies and procedures for the processing of Geostar's applications for authority to construct, launch and operate such a satellite system.

Issued: June 27, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-17615 Filed 6-28-84; 1:29 pm]

BILLING CODE 6712-01-M

14

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Friday, July 6, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: June 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-17664 Filed 6-28-84; 3:57 pm]

BILLING CODE 6210-01-M

15

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS MEETING

TIME AND DATE: It will commence at 9:30 a.m. and continue until all official business is completed; Monday, July 9, 1984.

PLACE: Office of Personnel Management, Auditorium, 1900 "E" Street, NW., Washington, D.C.

STATUS OF MEETING: Open [A portion of the meeting is to be closed to discuss personnel, personal, criminal, litigation, and investigatory matters under 45 CFR 1622.5 (a), (d), (e), (f), (g), and (h)].

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Approval of Minutes
   —May 19, 1984
3. Report from the President
4. Report from the Operations and Regulations Committee
5. Report from the Office of General Counsel
   —Proposed Final Regulations 1622 Sunshine Act 1629 Bonding of Recipients

6. Report from Appropriations and Audit Committee
—Deferral of Recommendation of Second Quarter Budget Modifications
—Selection of Corporation Auditor
7 Report from the Office of Field Services
—Budget and Reorganization
8. Report from the Office of Government Relations

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272-4040.

Date Issued: June 28, 1984.

LeaAnne Bernstein,

Secretary.

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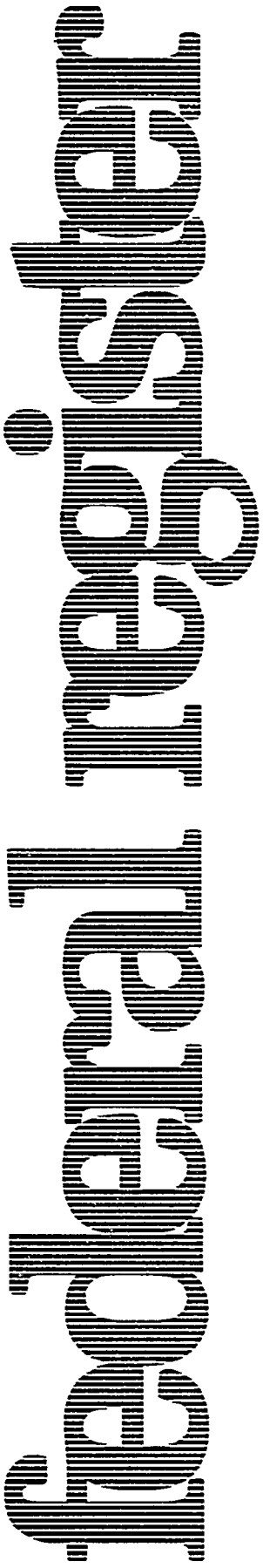

Monday
July 2, 1984

Part II

Department of the Treasury

Fiscal Service, Bureau of Government Financial Operations

Circular 570; 1984 Revision; Surety Companies Acceptable on Federal Bonds

DEPARTMENT OF THE TREASURY

FISCAL SERVICE, BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(Dept. Circular 570; 1984 Rev.)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Effective: July 1, 1984

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular and other information pertinent to Federal sureties may be obtained from: Surety Bond Branch, Finance Division, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226. Telephone: (202) 634-5745. Interim changes in the circular are published in the FEDERAL REGISTER as they occur

The following companies have complied with the law and the regulations of the Treasury Department and are acceptable as sureties and reinsurers on Federal bonds, to the extent of and with respect to the localities indicated, except as indicated in footnote 2.

W. E. Douglas
Commissioner
Bureau of Government
Financial Operations

COMPANIES HOLDING CERTIFICATES OF AUTHORITY UNDER SECTIONS 9304 TO 9308 OF TITLE 31 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS, INCLUDING REINSURANCE (See Note a/)

IMPORTANT INFORMATION IS CONTAINED IN THE NOTES AT THE END OF THIS TABLE. PLEASE READ THE NOTES CAREFULLY WHEN USING THE CIRCULAR.

AID Insurance Company (Mutual). BUSINESS ADDRESS: 701 Fifth Avenue, Des Moines, IA 50309. UNDERWRITING LIMITATION b/: $11,502,000. SURETY LICENSES c/: AZ, AR, CA, CO, DC, ID, IL, IN, IA, KS, MI, MO, MT, NB, NV, NM, ND, OK, OR, SD, TX, UT, WA, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

AIU Insurance Company. BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: $3,290,000. SURETY LICENSES c/: All except CZ, DE, Guam, HI, Puerto Rico. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Accredited Surety and Casualty Company, Inc.2* BUSINESS ADDRESS: 918 South Orange Avenue, Orlando, FL 32806. UNDERWRITING LIMITATION b/: $245,000. SURETY LICENSES c/: AL, FL, GA, IN, LA, MS, VA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/

The Aetna Casualty and Surety Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: $114,958,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Aetna Casualty and Surety Company of Illinois. BUSINESS ADDRESS: 1020 - 31st Street, Downers Grove, IL 60515. UNDERWRITING LIMITATION b/: $20,285,000. SURETY LICENSES c/: All except CZ, Guam, ME, NH, NC, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

Aetna Fire Underwriters Insurance Company.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $1,067,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Aetna Insurance Company.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $35,267,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Aetna Life and Casualty Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: $246,065,000. SURETY LICENSES c/: CT, DC. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Aetna Reinsurance Company.2* BUSINESS ADDRESS: One Franklin Plaza, Philadelphia, PA 19102. UNDERWRITING LIMITATION b/: $1,765,000. SURETY LICENSES c/: All except AL, CZ, Guam, HI, IL, IN, LA, OH, Puerto Rico, TX, Virgin Islands, WV. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/

Affiliated FM Insurance Company. BUSINESS ADDRESS: Allendale Park, P.O. Box 7500, Johnston, RI 02919. UNDERWRITING LIMITATION b/: $3,563,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico. INCORPORATED IN: Rhode Island. FEDERAL PROCESS AGENTS d/

Alaska Pacific Assurance Company.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $2,022,000. SURETY LICENSES c/: AK, CA, ID, OR, SD. INCORPORATED IN: Alaska. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

Allegheny Mutual Casualty Company. BUSINESS ADDRESS: 485 Chestnut Street, Meadville, PA 16335. UNDERWRITING LIMITATION b/: $244,000. SURETY LICENSES c/: DC, FL, IL, IN, LA, MD, MI, NJ, OH, OK, PA, TN, TX, WI. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Allendale Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 7500, Johnston, RI 02919. UNDERWRITING LIMITATION b/: $21,298,000. SURETY LICENSES c/: All except CZ, DE, Guam, KS, LA, Puerto Rico. INCORPORATED IN: Rhode Island. FEDERAL PROCESS AGENTS d/.

Allianz Insurance Company.2* BUSINESS ADDRESS: Post Office Box 54897, Terminal Annex, Los Angeles, CA 90054. UNDERWRITING LIMITATION b/: $2,036,000. SURETY LICENSES c/: All except CZ, Guam, OK, Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Allied Fidelity Insurance Company. BUSINESS ADDRESS: 8945 N. Meridian Street, Indianapolis, IN 46260. UNDERWRITING LIMITATION b/: $572,000. SURETY LICENSES c/: All except CZ, DC, HI, IL, ME, MI, NJ, NY, NC, PA, Puerto Rico, RI, SD, VT, Virgin Islands. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Allstate Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, IL 60062. UNDERWRITING LIMITATION b/: $319,775,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

American Agricultural Insurance Company. BUSINESS ADDRESS: 225 Touchy Avenue, Park Ridge, IL 60068. UNDERWRITING LIMITATION b/: $6,338,000. SURETY LICENSES c/: AZ, CO, FL, GA, ID, IL, IN, IA, MO, NM, NC, ND, OR, PA, SC, TX, UT, VA, WA, WI. (Reinsurance only in KS, MA, NY.) INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

American Automobile Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, CA 94118. UNDERWRITING LIMITATION b/: $11,355,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/.

American Bonding Company. BUSINESS ADDRESS: 8601 Beverly Boulevard, Los Angeles, CA 90048. UNDERWRITING LIMITATION b/: $299,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, DC, HI, ID, IA, KS, MO, MT, NB, NV, NM, OK, OR, TX, UT, WA. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

American Casualty Company of Reading, Pennsylvania. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: $4,851,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

AMERICAN CENTENNIAL INSURANCE COMPANY.2* BUSINESS ADDRESS: 400 Beneficial Center, Peapack, NJ 07977. UNDERWRITING LIMITATION b/: $5,665,000. SURETY LICENSES c/: All except CZ, CT, ME, Puerto Rico, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

American Credit Indemnity Company of New York. BUSINESS ADDRESS: 300 St. Paul Place, Baltimore, MD 21202. UNDERWRITING LIMITATION b/: $5,783,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

THE AMERICAN DRUGGISTS' INSURANCE COMPANY. BUSINESS ADDRESS: P.O. Box 41715, 11370 Reed Hartman Highway, Blue Ash, OH 45241. UNDERWRITING LIMITATION b/: $530,000. SURETY LICENSES c/: All except CZ, CT, DC, Guam, NH, Puerto Rico, SD, Virgin Islands, WY. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

American Economy Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, IN 46207. UNDERWRITING LIMITATION b/: $10,621,000. SURETY LICENSES c/: All except CZ, CT, Guam, ME, NJ, Puerto Rico, Virgin Islands. (Reinsurance only in NH.) INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

American Employers' Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: $6,794,000. SURETY LICENSES c/: All except Guam, Puerto Rico. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

AMERICAN-EUROPEAN REINSURANCE CORPORATION.2* BUSINESS ADDRESS: 280 Park Avenue, New York, NY 10017. UNDERWRITING LIMITATION b/: $1,475,000. SURETY LICENSES c/: DE, MI, NY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

American Fidelity Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, NH 03105. UNDERWRITING LIMITATION b/: $733,000. SURETY LICENSES c/: AK, CO, DC, IN, IA, ME, MD, MI, MS, NB, NM, ND, SD, UT, VT, VA, WV. INCORPORATED IN: Vermont. FEDERAL PROCESS AGENTS d/.

American Fire and Casualty Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, OH 45025. UNDERWRITING LIMITATION b/: $3,147,000. SURETY LICENSES c/: AL, AR, CO, DC, FL, GA, KS, KY, LA, MD, MS, MO, NC, OK, SC, TN, TX, VA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

American General Fire and Casualty Company.2* BUSINESS ADDRESS: Post Office Box 4502, Houston, TX 77001. UNDERWRITING LIMITATION b/: $2,320,000. SURETY LICENSES c/: AR, LA, NM, OK, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

American Guarantee and Liability Insurance Company. BUSINESS ADDRESS: 231 North Martingale Road, Schaumburg, IL 60196. UNDERWRITING LIMITATION b/: $2,463,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

American Home Assurance Company. BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: $19,398,000. SURETY LICENSES c/: All except CZ, Puerto Rico. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

American Indemnity Company. BUSINESS ADDRESS: Post Office Box 1259, Galveston, TX 77553. UNDERWRITING LIMITATION b/: $3,584,000. SURETY LICENSES c/: AL, AZ, CA, CO, DC, FL, GA, IL, IN, IA, KS, KY, LA, MS, MO, MT, NB, NM, NC, OH, OK, SC, TN, TX, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

AMERICAN INDEPENDENT REINSURANCE COMPANY. BUSINESS ADDRESS: P.O. Box 3802, 3001 Summer Street, Stamford, CT 06905. UNDERWRITING LIMITATION b/: $2,509,000. SURETY LICENSES c/: AK, CT, DC, IN, IA, ME, MD, MN, MT, NB, NV, NM, NY, ND, TX, UT. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

The American Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, CA 94118. UNDERWRITING LIMITATION b/: $16,998,000. SURETY LICENSES c/: All except CZ, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

* See footnotes at end of table.

American Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: Long Grove, IL 60049. UNDERWRITING LIMITATION b/: $11,183,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

American Motorists Insurance Company. BUSINESS ADDRESS: Long Grove, IL 60049. UNDERWRITING LIMITATION b/: $19,071,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

American Mutual Liability Insurance Company. BUSINESS ADDRESS: Wakefield, MA 01880. UNDERWRITING LIMITATION b/: $6,600,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/

American National Fire Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, OH 45202. UNDERWRITING LIMITATION b/: $1,143,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

American Re-Insurance Company. BUSINESS ADDRESS: One Liberty Plaza, 91 Liberty Street, New York, NY 10006. UNDERWRITING LIMITATION b/: $30,148,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/

American Southern Insurance Company. BUSINESS ADDRESS: Post Office Box 7369, Station C, Atlanta, GA 30357. UNDERWRITING LIMITATION b/: $519,000. SURETY LICENSES c/: AL, FL, GA, SC. INCORPORATED IN: Georgia. FEDERAL PROCESS AGENTS d/

American States Insurance Company. BUSINESS ADDRESS: 500 North Meridian Street, Indianapolis, IN 46207. UNDERWRITING LIMITATION b/: $25,593,000. SURETY LICENSES c/: All except CZ, CT, Guam, ME, NY, Puerto Rico, Virgin Islands. (Reinsurance only in NH.) INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/

Amwest Surety Insurance Company. BUSINESS ADDRESS: 6301 Owensmouth Avenue, #304, Woodland Hills, CA 91365. UNDERWRITING LIMITATION b/: $250,000. SURETY LICENSES c/: AK, CA, ID, MT, NV, OR, TX. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Antilles Insurance Company. BUSINESS ADDRESS: Post Office Box 3507, Old San Juan, Puerto Rico 00904. UNDERWRITING LIMITATION b/: $711,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/

ANVIL INSURANCE COMPANY. BUSINESS ADDRESS: 18021 Cowan Street, Irvine, CA 92714. UNDERWRITING LIMITATION b/: $502,000. SURETY LICENSES c/: AZ, CA, ID, MT, NV, NM, OR, UT, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Argonaut Insurance Company. BUSINESS ADDRESS: 250 Middlefield Road, Menlo Park, CA 94025. UNDERWRITING LIMITATION b/: $29,952,000. SURETY LICENSES c/: All except CZ, ME, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Arkwright-Boston Manufacturers Mutual Insurance Company. BUSINESS ADDRESS: 225 Wyman Street, Waltham, MA 02154. UNDERWRITING LIMITATION b/: $41,523,000. SURETY LICENSES c/: CA, CO, CT, DC, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NB, NV, NH, NJ, NM, NY, NC, OH, RI, UT, VT, WA, WV. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/

Associated Indemnity Corporation. BUSINESS ADDRESS: 3333 California Street, San Francisco, CA 94118. UNDERWRITING LIMITATION b/: $5,256,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Atlantic Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: $899,000. SURETY LICENSES c/: All except CZ, CT, DE, Guam, HI, ID, IA, LA, ME, MA, NB, NH, NJ, NY, ND, OR, Puerto Rico, RI, VT, VA, Virgin Islands, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

Atlantic Mutual Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, NY 10005. UNDERWRITING LIMITATION b/: $12,258,000. SURETY LICENSES c/: All except AL, CZ, Guam, HI, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

The Automobile Insurance Company of Hartford, Connecticut. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: $3,064,000. SURETY LICENSES c/: All except AL, CZ, DE, Guam. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Auto-Owners Insurance Company. BUSINESS ADDRESS: Post Office Box 30660, Lansing, MI 48909. UNDERWRITING LIMITATION b/: $28,730,000. SURETY LICENSES c/: AL, AZ, CA, FL, GA, IL, IN, IA, MI, MN, MO, NB, NC, ND, OH, SC, SD, TN, TX, UT, WI. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/

Balboa Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, CA 92663. UNDERWRITING LIMITATION b/: $6,110,000. SURETY LICENSES c/: All except CZ, IA, Puerto Rico. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Bankers Multiple Line Insurance Company. BUSINESS ADDRESS: 4810 North Kenneth Avenue, Chicago, IL 60630. UNDERWRITING LIMITATION b/: $2,964,000. SURETY LICENSES c/: All except CZ, DE, Guam, HI, ME, Puerto Rico. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

Binford Insurance Company. BUSINESS ADDRESS: 1501 Woodfield Road, Suite 204S, Schaumburg, IL 60195. UNDERWRITING LIMITATION b/: $51,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/

Boston Old Colony Insurance Company. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $1,459,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/

The Buckeye Union Insurance Company. BUSINESS ADDRESS: Post Office Box 1499, Columbus, OH 43216. UNDERWRITING LIMITATION b/: $17,011,000. SURETY LICENSES c/: DC, FL, IL, IN, KY, MI, MO, NY, OH, PA, VA, WV. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

CNA CASUALTY OF PUERTO RICO. BUSINESS ADDRESS: GPO Box SA, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: $888,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

CAL-FARM INSURANCE COMPANY. BUSINESS ADDRESS: 1601 Exposition Boulevard, Sacramento, CA 95815. UNDERWRITING LIMITATION b/: $2,615,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

The Camden Fire Insurance Association. BUSINESS ADDRESS: 414 Walnut Street, Philadelphia, PA 19106. UNDERWRITING LIMITATION b/: $17,443,000. SURETY LICENSES c/: All except AL, AK, AR, CZ, DE, GA, Guam, HI, ID, LA, ME, MS, MT, NB, NH, OR, Puerto Rico, SC, SD, TN, TX, VT, Virgin Islands, WA, WY. (Fidelity only in AL, SC) INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

Capitol Indemnity Corporation. BUSINESS ADDRESS: P.O. Box 5900, Madison, WI 53705-0900. UNDERWRITING LIMITATION b/: $249,000. SURETY LICENSES c/: AZ, FL, ID, IL, IN, IA, LA, MI, MN, MO, MT, NM, ND, OK, SD, TX, WI, WY. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Carlisle Insurance Company. BUSINESS ADDRESS: 3435 Wilshire Boulevard, Suite 2504, Los Angeles, CA 90010. UNDERWRITING LIMITATION b/: $241,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Centennial Insurance Company. BUSINESS ADDRESS: Atlantic Building, 45 Wall Street, New York, NY 10005. UNDERWRITING LIMITATION b/: $3,954,000. SURETY LICENSES c/: All except AL, CZ, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Central Mutual Insurance Company. BUSINESS ADDRESS: 800 South Washington Street, Van Wert, OH 45891. UNDERWRITING LIMITATION b/: $5,355,000. SURETY LICENSES c/: All except AR, CZ, Guam, ND, OR, Puerto Rico, SD, Virgin Islands, WI. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

THE CENTRAL NATIONAL INSURANCE COMPANY OF OMAHA.2* BUSINESS ADDRESS: 105 South 17th Street, Omaha, NB 68102. UNDERWRITING LIMITATION b/: $4,959,000. SURETY LICENSES c/: All except CZ, Guam, HI, NY, Virgin Islands. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Century Indemnity Company.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $807,000. SURETY LICENSES c/: All except CZ, Guam, OR, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

CENTURY SURETY COMPANY. BUSINESS ADDRESS: Suite 322, 1889 Fountain Square Court, Columbus, OH 43224. UNDERWRITING LIMITATION b/: $323,000. SURETY LICENSES c/: OH, WV. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Charter Oak Fire Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $5,225,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

CIGNA INSURANCE COMPANY.1* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $8,698,000. SURETY LICENSES c/: All except HI, LA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

The Cincinnati Insurance Company. BUSINESS ADDRESS: Post Office Box 145496, Cincinnati, OH 45214. UNDERWRITING LIMITATION b/: $17,475,000. SURETY LICENSES c/: AL, AZ, AR, CO, DE, DC, FL, GA, IL, IN, IA, KS, KY, MD, MI, MS, MO, NB, NV, NM, NY, NC, OH, OK, PA, SC, TN, TX, UT, VA, WV, WI, WY. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

CLASSIFIED INSURANCE CORPORATION. BUSINESS ADDRESS: Post Office Box 1407, Waukesha, WI 53187. UNDERWRITING LIMITATION b/: $763,000. SURETY LICENSES c/: AZ, CA, ID, IA, NV, NM, OK, OR, TX, UT, WA, WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

Colonial Surety Company. BUSINESS ADDRESS: 9 Parkway Center, Borough of Greentree, Pittsburgh, PA 15220. UNDERWRITING LIMITATION b/: $389,000. SURETY LICENSES c/: DE, NJ, PA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Commercial Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $4,501,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

Commercial Union Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: $17,969,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/.

Compass Insurance Company. BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, TX 75247. UNDERWRITING LIMITATION b/: $2,128,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, KS, ME, NJ, NC, RI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

The Connecticut Indemnity Company.2* BUSINESS ADDRESS: Post Office Box 420, Hartford, CT 06141. UNDERWRITING LIMITATION b/: $1,714,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Consolidated Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, IN 46204. UNDERWRITING LIMITATION b/: $1,179,000. SURETY LICENSES c/: FL, ID, IL, IN, IA, KY, MI, OH, OR, WA, WI. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Continental Casualty Company. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: $104,246,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Continental Insurance Company. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $11,916,000. SURETY LICENSES c/: All. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Continental Reinsurance Corporation. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $4,333,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, DC, FL, HI, ID, IL, IN, IA, MI, MT, NV, NJ, NM, NY, NC, OK, OR, TX, UT, VA, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Continental Surety and Fidelity Insurance Company.2* BUSINESS ADDRESS: Post Office Box 730, Littleton, CO 80160. UNDERWRITING LIMITATION b/: $118,000. SURETY LICENSES c/: CO, NM. INCORPORATED IN: Colorado. FEDERAL PROCESS AGENTS d/.

* See footnotes at end of table.

Continental Western Insurance Company. BUSINESS ADDRESS: Post Office Box 1594, Des Moines, IA 50306. UNDERWRITING LIMITATION b/: $2,876,000. SURETY LICENSES c/: AZ, AR, CO, DC, ID, IL, IN, IA, KS, KY, ME, MI, MN, MO, MT, NB, NV, NM, ND, OK, SD, TN, TX, UT, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

Contractor's Bonding and Insurance Company. BUSINESS ADDRESS: 1213 Valley Street, Seattle, WA 98109. UNDERWRITING LIMITATION b/: $167,000. SURETY LICENSES c/: AK, ID, NM, OR, UT, WA. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/

Cooperativa de Seguros Multiples de Puerto Rico.2* BUSINESS ADDRESS: G.P.O. Box 3846, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: $2,382,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/

Cornhusker Casualty Company. BUSINESS ADDRESS: Post Office Box 14490, Omaha, NB 68124. UNDERWRITING LIMITATION b/: $3,167,000. SURETY LICENSES c/: CO, IA, KS, NB, SD, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/

CORONET INSURANCE COMPANY. BUSINESS ADDRESS: 3500 West Peterson Avenue, Chicago, IL 60659. UNDERWRITING LIMITATION b/: $974,000. SURETY LICENSES c/: FL, GA, IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

Cotton States Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 2214, Atlanta, GA 30301. UNDERWRITING LIMITATION b/: $2,202,000. SURETY LICENSES c/: AL, FL, GA, MS, NC, SC, TN. INCORPORATED IN: Georgia. FEDERAL PROCESS AGENTS d/

COVENANT INSURANCE COMPANY. BUSINESS ADDRESS: 95 Woodland Street, Hartford, CT 06105. UNDERWRITING LIMITATION b/: $958,000. SURETY LICENSES c/: CT, DC, ME, NH, NY, RI, VT. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Covenant Mutual Insurance Company. BUSINESS ADDRESS: 95 Woodland Street, Hartford, CT 06105. UNDERWRITING LIMITATION b/: $2,209,000. SURETY LICENSES c/: AL, AZ, CA, CO, CT, FL, ID, ME, MA, MS, MO, NH, NJ, NY, OR, PA, VT, WA. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Cumis Insurance Society, Inc. BUSINESS ADDRESS: Post Office Box 1084, Madison, WI 53701. UNDERWRITING LIMITATION b/: $2,395,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

DELTA AMERICA INSURANCE COMPANY. BUSINESS ADDRESS: 16 Centre Street, P.O. Box 1412, Concord, NH 03301. UNDERWRITING LIMITATION b/: $550,000. SURETY LICENSES c/: AK, AZ, AR, CT, DE, IL, IA, LA, ME, MI, NV, NH, NJ, NY, OH, RI, SC, TN, VT, VA, WI. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/

DELTA CASUALTY COMPANY.2* BUSINESS ADDRESS: 4711 North Clark Street, Chicago, IL 60640. UNDERWRITING LIMITATION b/: $291,000. SURETY LICENSES c/: IL, IA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

Dependable Insurance Company, Inc. BUSINESS ADDRESS: Post Office Box 19030, Jacksonville, FL 32245-9030. UNDERWRITING LIMITATION b/: $1,541,000. SURETY LICENSES c/: All except CZ, Guam, ME, NH, VT. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/

DEVELOPERS INSURANCE COMPANY. BUSINESS ADDRESS: 333 Wilshire Avenue, P.O. Box 3343, Anaheim, CA 92803. UNDERWRITING LIMITATION b/: $210,000. SURETY LICENSES c/: CA, NV. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Eastern Indemnity Company of Maryland. BUSINESS ADDRESS: 6001 Montrose Road, Rockville, MD 20852. UNDERWRITING LIMITATION b/: $625,000. SURETY LICENSES c/: AL, AK, AZ, AR, DE, DC, FL, GA, ID, IL, IN, IA, LA, MD, MI, MS, MO, NV, NM, NC, ND, OH, OK, OR, PA, SC, TX, UT, VA, WA, WV. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/

Empire Fire and Marine Insurance Company. BUSINESS ADDRESS: 1624 Douglas Street, Omaha, NB 68102. UNDERWRITING LIMITATION b/: $682,000. SURETY LICENSES c/: All except CZ, CT, DE, DC, Guam, IA, MA, NJ, NY, OR, Puerto Rico, RI, TN, Virgin Islands, WV. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/

The Employers' Fire Insurance Company. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: $3,108,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/

EMPLOYERS INSURANCE OF WAUSAU A Mutual Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54401. UNDERWRITING LIMITATION b/: $43,313,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

Employers Mutual Casualty Company. BUSINESS ADDRESS: Post Office Box 712, Des Moines, IA 50303. UNDERWRITING LIMITATION b/: $11,327,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

Employers Reinsurance Corporation. BUSINESS ADDRESS: 5200 Metcalf, Post Office Box 2991, Overland Park, KS 66201. UNDERWRITING LIMITATION b/: $42,871,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/

ERNIA REINSURANCE COMPANY OF AMERICA. BUSINESS ADDRESS: 127 John Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $2,017,000. SURETY LICENSES c/: AR, GA, ID, IA, KS, LA, MS, NY, OK, TX. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Erie Insurance Company. BUSINESS ADDRESS: 100 Erie Insurance Place, Erie, PA 16530. UNDERWRITING LIMITATION b/: $485,000. SURETY LICENSES c/: DC, IN, KY, MD, OH, PA, VA, WV. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/

EVANSTON INSURANCE COMPANY. BUSINESS ADDRESS: One American Plaza, Evanston, IL 60201. UNDERWRITING LIMITATION b/: $3,925,000. SURETY LICENSES c/: DC, IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

Fairmont Insurance Company. BUSINESS ADDRESS: P.O. Box 7750, 4111 West Alameda Avenue, Burbank, CA 91510-7750. UNDERWRITING LIMITATION b/: $1,630,000. SURETY LICENSES c/: AK, AZ, AR, CA, DE, DC, ID, IA, KY, MI, MT, NV, NM, NY, NC, SC, UT, WA, WV. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Farmers Alliance Mutual Insurance Company. BUSINESS ADDRESS: 1122 North Main Street, McPherson, KS 67460. UNDERWRITING LIMITATION b/: $1,884,000. SURETY LICENSES c/: AZ, CA, CO, ID, IL, IN, IA, KS, MI, MO, MT, NB, NM, NY, ND, OH, OK, OR, SD, TX, WA. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

Farmland Mutual Insurance Company. BUSINESS ADDRESS: 1963 Bell Avenue, Des Moines, IA 50315. UNDERWRITING LIMITATION b/: $2,423,000. SURETY LICENSES c/: AR, CO, IL, IN, IA, KS, KY, MN, MO, NB, ND, OK, SD, TX, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

Federal Insurance Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $34,391,000. SURETY LICENSES c/: All. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

The Fidelity and Casualty Company of New York. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $9,164,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: $270,000. SURETY LICENSES c/: MD, TX. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

Fidelity and Deposit Company of Maryland. BUSINESS ADDRESS: Charles and Lexington Streets, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: $14,366,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/.

Fireman's Fund Insurance Company. BUSINESS ADDRESS: 3333 California Street, San Francisco, CA 94118. UNDERWRITING LIMITATION b/: $74,448,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Firemen's Insurance Company of Newark, New Jersey. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $25,767,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

First Financial Insurance Company. BUSINESS ADDRESS: 401-417 Fayette Avenue, Springfield, IL 62704. UNDERWRITING LIMITATION b/: $472,000. SURETY LICENSES c/: AK, AZ, AR, CO, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, MD, MI, MS, MO, MT, NV, NM, ND, OH, OK, OR, SC, SD, TX, UT, VA, WA, WI. (Includes bail bonds in IN.) INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

First Insurance Company of Hawaii, Ltd. BUSINESS ADDRESS: Post Office Box 2866, Honolulu, HI 96803. UNDERWRITING LIMITATION b/: $1,252,000. SURETY LICENSES c/: Guam, HI. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

First National Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: $3,599,000. SURETY LICENSES c/: All except CZ, Guam, HI, ME, NH, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

FLORIDA FARM BUREAU MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Post Office Box 730, Gainesville, FL 32602. UNDERWRITING LIMITATION b/: $346,000. SURETY LICENSES c/: FL. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

Foremost Insurance Company. BUSINESS ADDRESS: 5800 Foremost Drive, SE, P.O. Box 2450, Grand Rapids, MI 49501. UNDERWRITING LIMITATION b/: $6,909,000. SURETY LICENSES c/: All except CA, CZ, DE, Guam, HI, OH, Puerto Rico, RI, VT, Virgin Islands. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

Fremont Indemnity Company. BUSINESS ADDRESS: 1709 West Eighth Street, Los Angeles, CA 90017. UNDERWRITING LIMITATION b/: $8,637,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, DC, HI, ID, IL, IN, IA, MI, MN, MS, MO, NB, NV, NJ, NM, OH, OK, OR, PA, SD, TN, TX, UT, VA, WA, WI. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Fritz Insurance Company. BUSINESS ADDRESS: 1501 Woodfield Road, Suite 204S, Schaumburg, IL 60195. UNDERWRITING LIMITATION b/: $58,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/.

General Accident Insurance Company of America. BUSINESS ADDRESS: 414 Walnut Street, Philadelphia, PA 19106. UNDERWRITING LIMITATION b/: $41,045,000. SURETY LICENSES c/: All except AL, AR, CZ, Guam, ME, ND, SC, Virgin Islands. (Fidelity only in AL, SC.) INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

GENERAL CASUALTY COMPANY OF WISCONSIN. BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. UNDERWRITING LIMITATION b/: $3,366,000. SURETY LICENSES c/: IL, IN, IA, KS, MN, MS, NB, ND, SD, WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

General Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: $17,468,000. SURETY LICENSES c/: All. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

General Reinsurance Corporation. BUSINESS ADDRESS: 600 Steamboat Road, Greenwich, CT 06830. UNDERWRITING LIMITATION b/: $74,971,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

The Glens Falls Insurance Company. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $1,342,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Global Surety & Insurance Co. BUSINESS ADDRESS: 160 Kiewit Plaza, Omaha, NB 68131. UNDERWRITING LIMITATION b/: $2,124,000. SURETY LICENSES c/: AZ, CA, CO, MT, NB, SD. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Globe Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $12,989,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Grain Dealers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 1747, Indianapolis, IN 46206. UNDERWRITING LIMITATION b/: $2,868,000. SURETY LICENSES c/: All except AL, AK, CZ, CT, DE, DC, FL, Guam, ID, ME, MD, MA, MT, NH, NJ, NY, ND, PA, Puerto Rico, RI, UT, VT, Virgin Islands, WV. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Granite State Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, NH 03107. UNDERWRITING LIMITATION b/: $686,000. SURETY LICENSES c/: All except CZ, CT, DE, Guam, HI. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

Great American Insurance Company. BUSINESS ADDRESS: 580 Walnut Street, Cincinnati, OH 45202. UNDERWRITING LIMITATION b/: $42,932,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Great Northern Insurance Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $1,953,000. SURETY LICENSES c/: All except AL, AR, CA, CZ, CT, DE, Guam, ID, NC, Puerto Rico, TN, Virgin Islands, WV. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

* See footnotes at end of table.

Greater New York Mutual Insurance Company. BUSINESS ADDRESS: 215 Lexington Avenue, New York, NY 10016. UNDERWRITING LIMITATION b/: $6,669,000. SURETY LICENSES c/: All except AK, AR, CZ, Guam, HI, IA, OR, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Guard Casualty & Surety Insurance Company. BUSINESS ADDRESS: 129 East Market Street, Suite 400, Indianapolis, IN 46204. UNDERWRITING LIMITATION b/: $237,000. SURETY LICENSES c/: IN. INCORPORATED IN: INDIANA. FEDERAL PROCESS AGENTS d/

Gulf Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: $10,687,000. SURETY LICENSES c/: All except CZ, Guam, MJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/

The Hamilton Mutual Insurance Company of Cincinnati, Ohio. BUSINESS ADDRESS: 1520 Madison Road, Cincinnati, OH 45206. UNDERWRITING LIMITATION b/: $462,000. SURETY LICENSES c/: IN, KY, MI, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

The Hanover Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester MA 01605. UNDERWRITING LIMITATION b/: $24,951,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/

HARCO NATIONAL INSURANCE COMPANY. BUSINESS ADDRESS: P.O. Box 94309, Schaumburg, IL 60194. UNDERWRITING LIMITATION b/: $1,509,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Harleysville Mutual Insurance Company. BUSINESS ADDRESS: 355 Maple Avenue, Harleysville, PA 19438. UNDERWRITING LIMITATION b/: $12,900,000. SURETY LICENSES c/: CA, CO, DE, DC, GA, IL, IN, IA, KS, MD, MI, MN, MS, MO, MJ, MI, NC, OH, OK, PA, SC, TN, TX, UT, VA, WV, WI. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Hartford Accident and Indemnity Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $90,969,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Hartford Casualty Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $8,045,000. SURETY LICENSES c/: All except CZ, Guam, ID, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/

Hartford Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $127,865,000. SURETY LICENSES c/: All except AK, CZ, CT, DE, ID, IA, KS, ME, MD, MI, MN, MT, NV, NJ, NM, ND, OR, Puerto Rico, RI, SC, SD, UT, Virgin Islands, WA, WI. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Alabama. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $968,000. SURETY LICENSES c/: AL, DC. INCORPORATED IN: Alabama. FEDERAL PROCESS AGENTS d/.

Hartford Insurance Company of Illinois. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $5,199,000. SURETY LICENSES c/: DC, IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

Hartford Insurance Company of the Midwest. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $987,000. SURETY LICENSES c/: DC, IN. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/

Hartford Insurance Company of the Southeast. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $946,000. SURETY LICENSES c/: DC, FL, GA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/

THE HAWAIIAN INSURANCE & GUARANTY COMPANY, LIMITED. BUSINESS ADDRESS: P.O. Box 2255, 1001 Bishop Street, Pacific Tower, Honolulu, HI 96804. UNDERWRITING LIMITATION b/: $1,184,000. SURETY LICENSES c/: AK, AR, CA, HI, ID, NV, OR, WA. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/

Hawkeye-Security Insurance Company. BUSINESS ADDRESS: 1017 Walnut Street, Des Moines, IA 50307. UNDERWRITING LIMITATION b/: $1,848,000. SURETY LICENSES c/: AZ, CO, DC, ID, IL, IN, IA, KS, MD, MI, MN, MO, MT, NB, NV, NM, OH, SD, TX, UT, VA, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

Highlands Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, TX 77002. UNDERWRITING LIMITATION b/: $19,551,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

Highlands Underwriters Insurance Company. BUSINESS ADDRESS: 600 Jefferson Street, Houston, TX 77002. UNDERWRITING LIMITATION b/: $1,329,000. SURETY LICENSES c/: AL, AZ, AR, CA, FL, GA, IA, MS, NM, OK, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

The Home Indemnity Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $8,735,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/

The Home Insurance Company. BUSINESS ADDRESS: 59 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $45,229,000. SURETY LICENSES c/: All except CZ, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/

Houston General Insurance Company. BUSINESS ADDRESS: Post Office Box 2932, Fort Worth, TX 76113-2932. UNDERWRITING LIMITATION b/: $1,072,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, ME, MA, MN, NB, NH, NJ, NC, PA, Puerto Rico, RI, VT, Virgin Islands, WV, WI. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

Hudson Insurance Company.2* BUSINESS ADDRESS: 280 Park Avenue, New York, NY 10017. UNDERWRITING LIMITATION b/: $2,049,000. SURETY LICENSES c/: CA, DE, IA, NH, NY (Reinsurance only in CO, MD). INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

IGF Insurance Company. BUSINESS ADDRESS: 2882 - 106th Street, Des Moines, IA 50322. UNDERWRITING LIMITATION b/: $433,000. SURETY LICENSES c/: AR, CO, IL, IA, KS, MI, MN, MO, MT, NB, ND, OK, SD, WI. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

INA Reinsurance Company.2* BUSINESS ADDRESS: 1 Franklin Plaza, Philadelphia, PA 19102. UNDERWRITING LIMITATION b/: $12,042,000. SURETY LICENSES c/: All except CZ, Guam, ME, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Illinois National Insurance Co. BUSINESS ADDRESS: 133 South 4th Street, Springfield, IL 62700. UNDERWRITING LIMITATION b/: $1,359,000. SURETY LICENSES c/: AK, IL, IN, IA, KY, MD, MO, MT, NB, NH, NM, NY, ND, OH, SD, TX, UT, VT, WV. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

IMPERIAL CASUALTY AND INDEMNITY COMPANY. BUSINESS ADDRESS: 700 Barker Building, 306 South 15th Street, Omaha, NB 68102. UNDERWRITING LIMITATION b/: $3,667,000. SURETY LICENSES c/: All except AL, CZ, Guam, HI, IN, NY, NC, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Indemnity Company of California. BUSINESS ADDRESS: 820 North Parton Street, Santa Ana, CA 92701. UNDERWRITING LIMITATION b/: $354,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Indemnity Insurance Company of North America.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $3,013,000. SURETY LICENSES c/: All. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Indiana Insurance Company. BUSINESS ADDRESS: 115 North Pennsylvania Street, Indianapolis, IN 46204. UNDERWRITING LIMITATION b/: $7,238,000. SURETY LICENSES c/: FL, ID, IL, IN, IA, KY, MI, OH, OR, WA, WI. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Indiana Lumbermens Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 68600, Indianapolis, IN 46268. UNDERWRITING LIMITATION b/: $652,000. SURETY LICENSES c/: All except AK, CZ, CT, Guam, HI, ME, MA, NH, NJ, NY, Puerto Rico, RI, VT, Virgin Islands, WY. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Industrial Indemnity Company. BUSINESS ADDRESS: Post Office Box 7468, San Francisco, CA 94120. UNDERWRITING LIMITATION b/: $7,434,000. SURETY LICENSES c/: All except CZ, Puerto Rico, Virgin Islands, WV. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Industrial Indemnity Company of the Northwest. BUSINESS ADDRESS: 2121 4th Avenue, Suite 1500, Seattle, WA 98121. UNDERWRITING LIMITATION b/: $389,000. SURETY LICENSES c/: AK, AZ, CA, DC, HI, ID, MT, NV, OR, UT, WA. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

Inland Insurance Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, NB 68501. UNDERWRITING LIMITATION b/: $1,386,000. SURETY LICENSES c/: AZ, CO, IA, KS, MN, MT, NB, ND, OK, SD, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

Insurance Company of North America.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $63,921,000. SURETY LICENSES c/: All. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Insurance Company of the Pacific Coast. BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: $565,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

The Insurance Company of the State of Pennsylvania. BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: $4,316,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Insurance Company of the West.2* BUSINESS ADDRESS: Post Office Box 81063, San Diego, CA 92138. UNDERWRITING LIMITATION b/: $2,584,000. SURETY LICENSES c/: AZ, CA, NV, OR, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Integon Indemnity Corporation. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, NC 27152. UNDERWRITING LIMITATION b/: $526,000. SURETY LICENSES c/: AL, AK, AZ, AR, FL, GA, ID, IN, IA, KS, KY, LA, MS, MO, NB, NV, NM, NC, OK, OR, SC, TN, TX, UT, VA, WA, WV. INCORPORATED IN: North Carolina. FEDERAL PROCESS AGENTS d/.

Integrity Insurance Company. BUSINESS ADDRESS: Mack Centre Drive - 5th Floor, Paramus, NJ 07652. UNDERWRITING LIMITATION b/: $2,015,000. SURETY LICENSES c/: All except CZ, CT, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

Integrity Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 539, Appleton, WI 54912. UNDERWRITING LIMITATION b/: $389,000. SURETY LICENSES c/: MN. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

International Cargo and Surety Insurance Company. BUSINESS ADDRESS: 1501 Woodfield Road, Suite 204S, Schaumburg, IL 60195. UNDERWRITING LIMITATION b/: $69,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/.

International Fidelity Insurance Company. BUSINESS ADDRESS: 24 Commerce Street, Suite 333, Newark, NJ 07102. UNDERWRITING LIMITATION b/: $344,000. SURETY LICENSES c/: All except AL, CA, CZ, CT, DC, GA, Guam, HI, IA, KS, KY, ME, MN, NB, NH, NC, RI, TN, VT, VA, Virgin Islands, WV, WI. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

International Insurance Company. BUSINESS ADDRESS: 233 South Wacker Drive, Chicago, IL 60606. UNDERWRITING LIMITATION b/: $2,075,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

International Service Insurance Company. BUSINESS ADDRESS: Post Office Box 1040, Fort Worth, TX 76101. UNDERWRITING LIMITATION b/: $1,076,000. SURETY LICENSES c/: AK, CA, NB, NM, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Investors Insurance Company of America. BUSINESS ADDRESS: 145 No. Franklin Turnpike, Ramsey, NJ 07446. UNDERWRITING LIMITATION b/: $1,642,000. SURETY LICENSES c/: FL, GA, NJ, NY. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

* See footnotes at end of table.

Iowa National Mutual Insurance Company.2* BUSINESS ADDRESS: 500 Second Avenue, S.E., Cedar Rapids, IA 52406. UNDERWRITING LIMITATION b/: $5,424,000. SURETY LICENSES c/: All except AK, CZ, CT, DE, DC, Guam, HI, LA, ME, MD, MA, MS, NV, NH, NJ, OR, Puerto Rico, RI, VT, Virgin Islands, WV. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

John Deere Insurance Company. BUSINESS ADDRESS: 34th Avenue and 80th Street, Moline, IL 61265. UNDERWRITING LIMITATION b/: $6,140,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

The Kansas Bankers Surety Company. BUSINESS ADDRESS: Post Office Box 1654, Topeka, KS 66601. UNDERWRITING LIMITATION b/: $209,000. SURETY LICENSES c/: DC, KS, MO, NB, WI. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

Kansas City Fire and Marine Insurance Company. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $937,000. SURETY LICENSES c/: All except Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/

Lawyers Surety Corporation. BUSINESS ADDRESS: 1221 River Bend Drive, Dallas, TX 75247. UNDERWRITING LIMITATION b/: $359,000. SURETY LICENSES c/: AL, AR, CA, FL, GA, IL, KY, MS, NC, OK, SC, TN, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

Liberty Mutual Insurance Company. BUSINESS ADDRESS: 175 Berkeley Street, Boston, MA 02117. UNDERWRITING LIMITATION b/: $129,319,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/

Lumbermens Mutual Casualty Company. BUSINESS ADDRESS: Long Grove, IL 60049. UNDERWRITING LIMITATION b/: $107,904,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

Maine Bonding and Casualty Company.2* BUSINESS ADDRESS: Post Office Box 448, Portland, ME 04112. UNDERWRITING LIMITATION b/: $384,000. SURETY LICENSES c/: ME, MA, NH, RI, VT. INCORPORATED IN: Maine. FEDERAL PROCESS AGENTS d/

Maryland Casualty Company.2* BUSINESS ADDRESS: Post Office Box 1228, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: $60,343,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/

Massachusetts Bay Insurance Company. BUSINESS ADDRESS: 440 Lincoln Street, Worcester, MA 01605. UNDERWRITING LIMITATION b/: $724,000. SURETY LICENSES c/: All except AK, AR, CZ, DE, Guam, HI, ID, MT, NV, NJ, ND, OR, Puerto Rico, SD, UT, Virgin Islands, WV, WI. INCORPORATED IN: Massachusetts. FEDERAL PROCESS AGENTS d/

Mead Reinsurance Corporation. BUSINESS ADDRESS: 6 North Main Street, Dayton, OH 45402. UNDERWRITING LIMITATION b/: $2,083,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, ME, MA, MO, NH, Puerto Rico, RI, SD, Virgin Islands, WI. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

The Mercantile and General Reinsurance Company of America.2* BUSINESS ADDRESS: 310 Madison Avenue - CN1930, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: $2,423,000. SURETY LICENSES c/: CA, DC, ID, IA, OH, PA, UT, WI. (Reinsurance only in CO, CT, IN, KS, OK, SC, TN, TX, WY.) INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Merchants Bonding Company (Mutual). BUSINESS ADDRESS: 2100 Grand Avenue, Des Moines, IA 50312. UNDERWRITING LIMITATION b/: $364,000. SURETY LICENSES c/: AZ, CA, IA, KS, NB, OK, TX. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

Meritplan Insurance Company. BUSINESS ADDRESS: Post Office Box 1770, Newport Beach, CA 92663. UNDERWRITING LIMITATION b/: $807,000. SURETY LICENSES c/: AL, AZ, CA, CO, DE, FL, HI, IN, IA, LA, MI, MN, MS, MT, NB, NV, NM, NY, NC, OH, OK, OR, SC, TX, UT, WA, WI. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Michigan Millers Mutual Insurance Company. BUSINESS ADDRESS: Post Office Box 30060, Lansing, MI 48909. UNDERWRITING LIMITATION b/: $5,002,000. SURETY LICENSES c/: AZ, AR, CA, CO, DC, FL, IN, KS, KY, MI, MO, NB, NJ, NY, NC, OH, OK, PA, TX, VA, WA. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/

Michigan Mutual Insurance Company. BUSINESS ADDRESS: 28 West Adams Avenue, Detroit, MI 48226. UNDERWRITING LIMITATION b/: $14,763,000. SURETY LICENSES c/: All except CZ, DE, Guam, HI, OR, Puerto Rico, Virgin Islands. (Fidelity only in DC.) INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/

Mid-Century Insurance Company.2* BUSINESS ADDRESS: Post Office Box 2478, Terminal Annex, Los Angeles, CA 90051. UNDERWRITING LIMITATION b/: $2,498,000. SURETY LICENSES c/: AZ, AR, CA, CO, DE, ID, IL, IN, IA, MI, MN, MO, MT, NB, NV, NM, ND, OH, OK, OR, TX, UT, VT, WA, WI, WY. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

MID-CONTINENT CASUALTY COMPANY. BUSINESS ADDRESS: Post Office Box 1409, Tulsa, OK 74101. UNDERWRITING LIMITATION b/: $2,082,000. SURETY LICENSES c/: AL, AZ, AR, CO, FL, IN, IA, KS, MN, MS, MO, MT, NB, NM, ND, OK, OR, SD, TN, TX, UT, WA, WY. INCORPORATED IN: Oklahoma. FEDERAL PROCESS AGENTS d/

Midland Insurance Company. BUSINESS ADDRESS: 160 Water Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $2,321,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

The Millers Mutual Fire Insurance Company of Texas. BUSINESS ADDRESS: Post Office Box 2269, Fort Worth, TX 76113. UNDERWRITING LIMITATION b/: $3,964,000. SURETY LICENSES c/: AR, CA, CO, DC, ID, IL, IN, IA, LA, MN, MS, MO, MT, NB, NJ, NM, OK, OR, PA, TX, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Millers' Mutual Insurance Association of Illinois. BUSINESS ADDRESS: Post Office Box 339, Alton, IL 62002. UNDERWRITING LIMITATION b/: $3,947,000. SURETY LICENSES c/: AL, AR, CO, DC, GA, IL, IN, IA, KS, IA, MN, MS, MO, NC, OK, SD, TN, WI. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Millers National Insurance Company.2* BUSINESS ADDRESS: 29 North Wacker Drive, Chicago, IL 60606. UNDERWRITING LIMITATION b/: $916,000. SURETY LICENSES c/: All except AK, CZ, CO, CT, DE, Guam, HI, LA, ME, MS, NV, NH, PA, Puerto Rico, RI, VT, Virgin Islands, WA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Minnesota Trust Company of Austin.2* BUSINESS ADDRESS: 107 West Oakland Avenue, Post Office Box 463, Austin, MN. 55912. UNDERWRITING LIMITATION b/: $105,000. SURETY LICENSES c/: MN, MT, ND. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

Mission Insurance Company. BUSINESS ADDRESS: 2600 Wilshire Boulevard, Los Angeles, CA 90057. UNDERWRITING LIMITATION b/: $19,338,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Morrison Assurance Company, Inc. BUSINESS ADDRESS: 5109 South Lois Avenue, Tampa, FL 33681. UNDERWRITING LIMITATION b/: $990,000. SURETY LICENSES c/: AL, AZ, AR, FL, GA, KY, LA, MS, MO, MT, NM, ND, OK, SC, TN, TX, UT, WV. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/.

MOTORS INSURANCE CORPORATION. BUSINESS ADDRESS: 3044 West Grand Boulevard, Detroit, MI 48202. UNDERWRITING LIMITATION b/: $40,457,000. SURETY LICENSES c/: All except AZ, AR, CA, CZ, CO, CT, Guam, HI, KS, LA, MA, MO, MT, NB, NH, OH, OR, PA, Puerto Rico, TN, UT, VA, Virgin Islands, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Munich American Reinsurance Company.2* BUSINESS ADDRESS: 560 Lexington Avenue, New York, NY 10022. UNDERWRITING LIMITATION b/: $6,000,000. SURETY LICENSES c/: AR, CA, CO, DE, DC, GA, HI, IL, IN, IA, LA, MI, NJ, NY, OH, PA, SC, TX, VA. (Reinsurance only in CT, KS, MA, NH, OK, VT.) INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

National American Insurance Company of New York. BUSINESS ADDRESS: 1515 S. 75th Street, P.O. Box 3800, Omaha, NB 68103. UNDERWRITING LIMITATION b/: $1,980,000. SURETY LICENSES c/: All except CZ, DE, Guam, HI, MO, NM, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

National Automobile and Casualty Insurance Company.2* BUSINESS ADDRESS: Post Office Box 7040, Pasadena, CA 91109. UNDERWRITING LIMITATION b/: $848,000. SURETY LICENSES c/: AK, AZ, CA, NV, TX, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Illinois. BUSINESS ADDRESS: 200 South Wacker Drive, Chicago, IL 60606. UNDERWRITING LIMITATION b/: $7,690,000. SURETY LICENSES c/: DC, IL, IN, IA, KY, MN, NY, NC, ND, WI. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

National-Ben Franklin Insurance Company of Michigan. BUSINESS ADDRESS: 26899 Northwestern Highway, Southfield, MI 48034. UNDERWRITING LIMITATION b/: $4,271,000. SURETY LICENSES c/: DC, MI. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

National Excess Insurance Company. BUSINESS ADDRESS: 4400 MacArthur Boulevard, Newport Beach, CA 92660. UNDERWRITING LIMITATION b/: $1,129,000. SURETY LICENSES c/: All except CZ, CT, DE, FL, Guam, HI, IL, KS, KY, LA, ME, MA, NH, NJ, NY, NC, OH, PA, Puerto Rico, RI, TX, VT, Virgin Islands, WV, WI, WY. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

National Fire Insurance Company of Hartford. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: $8,863,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

National Grange Mutual Insurance Company. BUSINESS ADDRESS: 55 West Street, Keene, NH 03431. UNDERWRITING LIMITATION b/: $4,860,000. SURETY LICENSES c/: CT, DE, DC, ME, MD, MA, NH, NY, OH, PA, RI, SC, TN, VT, VA, WV, WI. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

National Indemnity Company.2* BUSINESS ADDRESS: 3024 Harney Street, Omaha, NB 68131. UNDERWRITING LIMITATION b/: $65,087,000. SURETY LICENSES c/: All except CZ, Guam, HI, MA, NJ, NY, Puerto Rico. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

THE NATIONAL MUTUAL INSURANCE COMPANY. BUSINESS ADDRESS: Insurance Square, Celina, OH 45822. UNDERWRITING LIMITATION b/: $984,000. SURETY LICENSES c/: DC, IL, IN, KY, MI, OH, PA, TN, WV. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The National Reinsurance Corporation.2* BUSINESS ADDRESS: 777 Long Ridge Road, Post Office Box 10167, Stamford, CT 06904-2167. UNDERWRITING LIMITATION b/: $7,430,000. SURETY LICENSES c/: All except AL, CZ, CT, FL, GA, Guam, LA, ME, MS, MO, NC, OR, SC, SD, TN, Virgin Islands, WA, WV. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

National Surety Corporation. BUSINESS ADDRESS: 200 West Monroe Street, Chicago, IL 60606. UNDERWRITING LIMITATION b/: $8,470,000. SURETY LICENSES c/: All except Guam, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

National Union Fire Insurance Company of Pittsburgh, PA. BUSINESS ADDRESS: 70 Pine Street, New York, NY 10270. UNDERWRITING LIMITATION b/: $13,761,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Nationwide Mutual Insurance Company.2* BUSINESS ADDRESS: One Nationwide Plaza, Columbus, OH 43216. UNDERWRITING LIMITATION b/: $131,784,000. SURETY LICENSES c/: All except Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Netherlands Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. UNDERWRITING LIMITATION b/: $785,000. SURETY LICENSES c/: AZ, CA, ID, IN, IA, ME, MD, MA, MI, NV, NH, NJ, NY, NC, OH, RI, SC, UT, VT, VA, WA, WI. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

New Hampshire Insurance Company. BUSINESS ADDRESS: Post Office Box 960, Manchester, NH 03107. UNDERWRITING LIMITATION b/: $22,668,000. SURETY LICENSES c/: All. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

New South Insurance Company. BUSINESS ADDRESS: Post Office Box 3199, Winston-Salem, NC 27152. UNDERWRITING LIMITATION b/: $498,000. SURETY LICENSES c/: IN, MS, NC, TX, VA, WV. INCORPORATED IN: North Carolina. FEDERAL PROCESS AGENTS d/.

New York Underwriters Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $7,234,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Newark Insurance Company. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $2,579,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/.

North American Reinsurance Corporation. BUSINESS ADDRESS: 100 East 45th Street, New York, NY 10017. UNDERWRITING LIMITATION b/: $15,223,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

NORTH EAST INSURANCE COMPANY. BUSINESS ADDRESS: 959 Brighton Avenue, Portland, ME 04102. UNDERWRITING LIMITATION b/: $435,000. SURETY LICENSES c/: ME, UT. INCORPORATED IN: Maine. FEDERAL PROCESS AGENTS d/

The North River Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: $9,842,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/

North Star Reinsurance Corporation.2* BUSINESS ADDRESS: Ten Stamford Forum, P.O. Box 10009, Stamford, CT 06904. UNDERWRITING LIMITATION b/: $5,896,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, ME, MN, NC, ND, SC, VT, Virgin Islands, WI. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/

Northbrook Property and Casualty Insurance Company. BUSINESS ADDRESS: Allstate Plaza, Northbrook, IL 60062. UNDERWRITING LIMITATION b/: $4,754,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

The Northern Assurance Company of America. BUSINESS ADDRESS: One Beacon Street, Boston, MA 02108. UNDERWRITING LIMITATION b/: $8,320,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico. INCORPORATED IN: Vermont. FEDERAL PROCESS AGENTS d/

Northern Insurance Company of New York.2* BUSINESS ADDRESS: Post Office Box 91, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: $2,981,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Northwestern National Casualty Company. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, WI 53201. UNDERWRITING LIMITATION b/: $524,000. SURETY LICENSES c/: All except AK, CZ, CT, Guam, HI, ME, MA, NV, NH, NJ, NY, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

Northwestern National Insurance Company of Milwaukee, Wisconsin. BUSINESS ADDRESS: Post Office Box 2070, Milwaukee, WI 53201. UNDERWRITING LIMITATION b/: $6,604,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

Northwestern National Surety Company. BUSINESS ADDRESS: 731 North Jackson Street, Milwaukee, WI 53201. UNDERWRITING LIMITATION b/: $1,285,000. SURETY LICENSES c/: IL, OR, WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

NORTHWESTERN PACIFIC INDEMNITY COMPANY. BUSINESS ADDRESS: Crown Plaza, Suite 1000, 1500 SW First Avenue, Portland, OR 97201-5852. UNDERWRITING LIMITATION b/: $1,147,000. SURETY LICENSES c/: CA, OK, OR, TX, WA. INCORPORATED IN: Oregon. FEDERAL PROCESS AGENTS d/

Occidental Fire & Casualty Company of North Carolina. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, CO 80111. UNDERWRITING LIMITATION b/: $914,000. SURETY LICENSES c/: AZ, CA, CO, HI, ID, IA, KS, MT, NE, NV, NM, OR, SD, UT, WA. INCORPORATED IN: North Carolina. FEDERAL PROCESS AGENTS d/

Oceanic Insurance and Surety Company. BUSINESS ADDRESS: 1501 Woodfield Road, Suite 204S, Schaumburg, IL 60195. UNDERWRITING LIMITATION b/: $50,000. SURETY LICENSES c/: NM. INCORPORATED IN: New Mexico. FEDERAL PROCESS AGENTS d/

The Ohio Casualty Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, OH 45025. UNDERWRITING LIMITATION b/: $42,632,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

Ohio Farmers Insurance Company BUSINESS ADDRESS: Westfield Center OH 44251. UNDERWRITING LIMITATION b/: $14,049,000. SURETY LICENSES c/: All except AK, CZ, CT, Guam, HI, KS, NH, Puerto Rico, Virgin Islands. (Restricted to existing business only in NH.) INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

Oklahoma Surety Company.2* BUSINESS ADDRESS: Post Office Box 1409, Tulsa, OK 74101. UNDERWRITING LIMITATION b/: $317,000. SURETY LICENSES c/: KS, OK, TX. INCORPORATED IN: Oklahoma. FEDERAL PROCESS AGENTS d/

Old Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 789, Greensburg, PA 15601. UNDERWRITING LIMITATION b/: $13,468,000. SURETY LICENSES c/: All except CZ, Puerto Rico, Virgin Islands. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/

The Omaha Indemnity Company. BUSINESS ADDRESS: 3201 Farnam Street, Omaha, NB 68131. UNDERWRITING LIMITATION b/: $1,445,000. SURETY LICENSES c/: All except IA, NH, NJ. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

Oregon Automobile Insurance Company. BUSINESS ADDRESS: Post Office Box 74, Portland, OR 97207. UNDERWRITING LIMITATION b/: $2,987,000. SURETY LICENSES c/: ID, NV, OR, UT, WA. INCORPORATED IN: Oregon. FEDERAL PROCESS AGENTS d/

Pacific Employers Insurance Company.2* BUSINESS ADDRESS: 1600 Arch Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $6,397,000. SURETY LICENSES c/: All. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Pacific Indemnity Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $7,375,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Pacific Insurance Company, Limited.2* BUSINESS ADDRESS: Post Office Box 1140, Honolulu, HI 96807. UNDERWRITING LIMITATION b/: $3,473,000. SURETY LICENSES c/: HI. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/.

Peerless Insurance Company. BUSINESS ADDRESS: 62 Maple Avenue, Keene, NH 03431. UNDERWRITING LIMITATION b/: $4,177,000. SURETY LICENSES c/: All except CZ, Guam, HI, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/

Pekin Insurance Company. BUSINESS ADDRESS: 2505 Court Street, Pekin, IL 61558. UNDERWRITING LIMITATION b/: $1,041,000. SURETY LICENSES c/: IL, IN, IA. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

Pennsylvania Manufacturers' Association Insurance Company. BUSINESS ADDRESS: 925 Chestnut Street, Philadelphia, PA 19107. UNDERWRITING LIMITATION b/: $14,744,000. SURETY LICENSES c/: All except AL, AR, CZ, CT, Guam, HI, KS, ME, MN, ND, OR, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Pennsylvania Millers Mutual Insurance Company. BUSINESS ADDRESS: 15 Public Square, P.O. Box-P, Wilkes-Barre, PA 18773-0016. UNDERWRITING LIMITATION b/: $2,688,000. SURETY LICENSES c/: AR, CT, DC, FL, GA, IN, KS, KY, ME, MD, MA, MS, MO, NH, NJ, NY, NC, ND, PA, RI, SC, TN, VT, VA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Pennsylvania National Mutual Casualty Insurance Company. BUSINESS ADDRESS: 1900 Derry Street, Harrisburg, PA 17105. UNDERWRITING LIMITATION b/: $7,447,000. SURETY LICENSES c/: All except CA, CZ, CT, Guam, HI, NV, NH, ND, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

The Personal Service Insurance Co. BUSINESS ADDRESS: 100 East Gay Street, Columbus, OH 43215. UNDERWRITING LIMITATION b/: $902,000. SURETY LICENSES c/: IN, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Phoenix Assurance Company of New York. BUSINESS ADDRESS: 180 Maiden Lane, New York, NY 10038. UNDERWRITING LIMITATION b/: $7,070,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: New Hampshire. FEDERAL PROCESS AGENTS d/.

The Phoenix Insurance Company. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $28,900,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

PLANET INSURANCE COMPANY. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $376,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

PRESTIGE CASUALTY COMPANY. BUSINESS ADDRESS: 5454 West Fargo Avenue, Skokie, IL 60077. UNDERWRITING LIMITATION b/: $824,000. SURETY LICENSES c/: AZ, IL, IN, MI, OH, TX. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

Progressive Casualty Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, OH 44143. UNDERWRITING LIMITATION b/: $9,417,000. SURETY LICENSES c/: All except AZ, CZ, CT, DE, DC, Guam, HI, IL, KS, LA, MD, NB, NH, NY, PA, Puerto Rico, SC, TX, UT, VA, Virgin Islands, WV, WI. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

The Progressive Mutual Insurance Company. BUSINESS ADDRESS: 6300 Wilson Mills Road, Mayfield Village, OH 44143. UNDERWRITING LIMITATION b/: $795,000. SURETY LICENSES c/: DC, NJ, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Protective Insurance Company.2* BUSINESS ADDRESS: 3100 North Meridian Street, Indianapolis, IN 46208. UNDERWRITING LIMITATION b/: $2,301,000. SURETY LICENSES c/: All except AL, CZ, DC, Guam, NH, Puerto Rico, Virgin Islands. INCORPORATED IN: Indiana. FEDERAL PROCESS AGENTS d/.

Prudential Reinsurance Company. BUSINESS ADDRESS: 213 Washington Street, Post Office Box 908, Newark, NJ 07101. UNDERWRITING LIMITATION b/: $19,912,000. SURETY LICENSES c/: All except CZ, Guam, LA, MO, NV, NC, OK, Puerto Rico, SC, VA, Virgin Islands, WV, WY. (Reinsurance only in MO, Puerto Rico, WV.) INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Public Service Mutual Insurance Company.2* BUSINESS ADDRESS: 393 Seventh Avenue, New York, NY 10001. UNDERWRITING LIMITATION b/: $5,602,000. SURETY LICENSES c/: AZ, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, OR, PA, RI, SC, VT, VA, WV, WI. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Puerto Rican-American Insurance Company. BUSINESS ADDRESS: Post Office Box S-112, San Juan, Puerto Rico 00902. UNDERWRITING LIMITATION b/: $2,688,000. SURETY LICENSES c/: Puerto Rico, Virgin Islands. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/.

Puritan Insurance Company.2* BUSINESS ADDRESS: Post Office Box 9200, Providence, RI 02940. UNDERWRITING LIMITATION b/: $2,651,000. SURETY LICENSES c/: All except AL, CZ, DE, Guam, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

Ranger Insurance Company. BUSINESS ADDRESS: Post Office Box 2807, Houston, TX 77252-2807. UNDERWRITING LIMITATION b/: $4,369,000. SURETY LICENSES c/: All except CZ, CT, Guam, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Regent Insurance Company. BUSINESS ADDRESS: One General Drive, Sun Prairie, WI 53596. UNDERWRITING LIMITATION b/: $2,532,000. SURETY LICENSES c/: IL, IN, IA, KS, MN, MS, NB, ND, SD, WI. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/.

The Reinsurance Corporation of New York.2* BUSINESS ADDRESS: 99 John Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $2,814,000. SURETY LICENSES c/: All except CZ, Guam, HI, Puerto Rico, Virgin Islands. (Co-surety only in FL, MA, VA.) INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $43,475,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

Reliance Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $1,041,000. SURETY LICENSES c/: NY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Republic-Franklin Insurance Company. BUSINESS ADDRESS: Post Office Box 1438, Columbus, OH 43216. UNDERWRITING LIMITATION b/: $562,000. SURETY LICENSES c/: IN, MI, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/.

Republic Insurance Company. BUSINESS ADDRESS: Post Office Box 223000, Dallas, TX 75222. UNDERWRITING LIMITATION b/: $13,900,000. SURETY LICENSES c/: All except AL, AK, CZ, FL, Guam, HI, ME, MA, MT, NH, ND, RI, SD, VT, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Republic Western Insurance Company. BUSINESS ADDRESS: 2721 North Central Avenue, Phoenix, AZ 85004. UNDERWRITING LIMITATION b/: $4,481,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, LA, ME, NH, Puerto Rico, Virgin Islands, WY. INCORPORATED IN: Arizona. FEDERAL PROCESS AGENTS d/.

* See footnotes at end of table.

Rockwood Insurance Company. BUSINESS ADDRESS: 654 Main Street, Rockwood, PA 15557. UNDERWRITING LIMITATION b/: $2,890,000. SURETY LICENSES c/: All except CA, CZ, CT, DC, Guam, HI, IL, KY, ME, MA, MI, MN, NH, NJ, NY, NC, OH, Puerto Rico, RI, TN, VT, Virgin Islands, WI. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/

Royal Indemnity Company. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $8,600,000. SURETY LICENSES c/: All except Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/

Royal Insurance Company of America. BUSINESS ADDRESS: 150 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $19,117,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

SAFECO Insurance Company of America. BUSINESS ADDRESS: SAFECO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: $23,413,000. SURETY LICENSES c/: All except CZ, Puerto Rico, VT, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/

SAFECO Insurance Company of Illinois. BUSINESS ADDRESS: SAFECO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: $2,698,000. SURETY LICENSES c/: IL. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

SAFECO National Insurance Company. BUSINESS ADDRESS: SAFECO Plaza, Seattle, WA 98185. UNDERWRITING LIMITATION b/: $2,001,000. SURETY LICENSES c/: MO, NY. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/

St. Paul Fire and Marine Insurance Company. BUSINESS ADDRESS: 385 Washington Street, St. Paul, MN 55102. UNDERWRITING LIMITATION b/: $72,160,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/

St. Paul Mercury Insurance Company. BUSINESSS ADDRESS: 385 Washington Street, St. Paul, MN 55102. UNDERWRITING LIMITATION b/: $2,098,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/

Seaboard Surety Company. BUSINESS ADDRESS: 90 William Street, New York, NY 10038. UNDERWRITING LIMITATION b/: $5,148,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Security Insurance Company of Hartford.2* BUSINESS ADDRESS: Post Office Box 420, Hartford, CT 06141. UNDERWRITING LIMITATION b/: $7,425,000. SURETY LICENSES c/: All except CZ, Guam, MA, MJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

Security National Insurance Company. BUSINESS ADDRESS: Post Office Box 225028, Dallas, TX 75265. UNDERWRITING LIMITATION b/: $656,000. SURETY LICENSES c/: AL, AR, CA, CO, IL, IN, KS, KY, MI, OH, OK, TX, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

Select Insurance Company. BUSINESS ADDRESS: Post Office Box 1771, Dallas, TX 75221. UNDERWRITING LIMITATION b/: $2,221,000. SURETY LICENSES c/: All except AZ, CZ, CT, Guam, HI, LA, ME, MA, NH, NJ, NY, ND, PA, Puerto Rico, RI, VT, Virgin Islands. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/

Selected Risks Insurance Company. BUSINESS ADDRESS: Wantage Avenue, Branchville, NJ 07890. UNDERWRITING LIMITATION b/: $12,180,000. SURETY LICENSES c/: DE, DC, FL, MD, MS, NJ, NC, PA, SC, TX, VA. INCORPORATED IN: New Jersey. FEDERAL PROCESS AGENTS d/

SENTINEL INSURANCE COMPANY, LTD.2* BUSINESS ADDRESS: Post Office Box 1140, Honolulu, HI 96807. UNDERWRITING LIMITATION b/: $827,000. SURETY LICENSES c/: HI. INCORPORATED IN: Hawaii. FEDERAL PROCESS AGENTS d/

Sentry Indemnity Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, WI 54481. UNDERWRITING LIMITATION b/: $1,143,000. SURETY LICENSES c/: All except AK, CZ, CT, DE, DC, Guam, HI, ME, MA, MI, NB, NH, NJ, NY, PA, Puerto Rico, RI, VT, VA, Virgin Islands, WV. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

Sentry Insurance a Mutual Company. BUSINESS ADDRESS: 1800 North Point Drive, Stevens Point, WI 54481. UNDERWRITING LIMITATION b/: $10,345,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

Skandia America Reinsurance Corporation: BUSINESS ADDRESS: 280 Park Avenue, New York, NY 10017. UNDERWRITING LIMITATION b/: $9,606,000. SURETY LICENSES c/: All except AL, CZ, CT, Guam, HI, KY, ME, MT, NH, NC, ND, OR, Puerto Rico, RI, SD, TN, Virgin Islands, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/

South Carolina Insurance Company. BUSINESS ADDRESS: Post Office Box #1, Columbia, SC 29202. UNDERWRITING LIMITATION b/: $20,378,000. SURETY LICENSES c/: All except CZ, Guam, HI, ME, NH, Puerto Rico, RI, Virgin Islands. INCORPORATED IN: South Carolina. FEDERAL PROCESS AGENTS d/

SOUTHEASTERN CASUALTY AND INDEMNITY INSURANCE COMPANY, INC. BUSINESS ADDRESS: 1620 W. Oakland Park Blvd., Suite 200, Ft. Lauderdale, FL 33311. UNDERWRITING LIMITATION b/: $309,000. SURETY LICENSES c/: FL. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/

The Standard Fire Insurance Company. BUSINESS ADDRESS: 151 Farmington Avenue, Hartford, CT 06156. UNDERWRITING LIMITATION b/: $7,365,000. SURETY LICENSES c/: All except CZ, Guam, MJ. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/

State Automobile Mutual Insurance Company.2* BUSINESS ADDRESS: 518 East Broad Street, Columbus, OH 43216. UNDERWRITING LIMITATION b/: $14,734,000. SURETY LICENSES c/: AL, AR, FL, GA, IL, IN, KY, MD, MI, MS, MO, NC, OH, PA, SC, TN, VA, WV. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

State Farm Fire and Casualty Company. BUSINESS ADDRESS: 112 East Washington Street, Bloomington, IL 61701. UNDERWRITING LIMITATION b/: $166,882,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/

State Surety Company. BUSINESS ADDRESS: 11201 Douglas Avenue, Urbandale, IA 50322. UNDERWRITING LIMITATION b/: $348,000. SURETY LICENSES c/: AZ, CO, DC, IL, IA, KS, MN, MO, MT, NB, ND, OK, SD, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

Surety Company of the Pacific.2* BUSINESS ADDRESS: Post Office Box 2105, Santa Monica, CA 90406. UNDERWRITING LIMITATION b/: $273,000. SURETY LICENSES c/: CA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

TEXAS PACIFIC INDEMNITY COMPANY.2* BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $362,000. SURETY LICENSES c/: AR, TX. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Transamerica Insurance Company. BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, CA 90015. UNDERWRITING LIMITATION b/: $24,804,000. SURETY LICENSES c/: All except CZ, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Transamerica Insurance Company of Michigan. BUSINESS ADDRESS: 1150 South Olive Street, Los Angeles, CA 90015. UNDERWRITING LIMITATION b/: $11,982,000. SURETY LICENSES c/: AR, IL, IN, IA, KS, MI, MN, OH, SD. INCORPORATED IN: Michigan. FEDERAL PROCESS AGENTS d/.

Transcontinental Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: $2,155,000. SURETY LICENSES c/: All except CZ, Guam, HI, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Transport Indemnity Company.2* BUSINESS ADDRESS: 3670 Wilshire Boulevard, Los Angeles, CA 90010. UNDERWRITING LIMITATION b/: $1,112,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Transportation Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: $2,151,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands, WV. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $94,821,000. SURETY LICENSES c/: All except CZ. INCORPORATED IN: Connecticut. FEDERAL PROCESS AGENTS d/.

THE TRAVELERS INDEMNITY COMPANY OF AMERICA. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $3,224,000. SURETY LICENSES c/: All except AR, CZ, FL, Guam, KS, LA, MA, OR, Virgin Islands. INCORPORATED IN: Georgia. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company of Illinois. BUSINESS ADDRESS: 175 West Jackson Boulevard, Chicago, IL 60604. UNDERWRITING LIMITATION b/: $1,214,000. SURETY LICENSES c/: All except AR, CZ, CT, DE, Guam, LA, MA, NH, NJ, NC, OR, PA, Puerto Rico, Virgin Islands, WA, WI, WY. INCORPORATED IN: Illinois. FEDERAL PROCESS AGENTS d/.

The Travelers Indemnity Company of Rhode Island. BUSINESS ADDRESS: One Tower Square, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $13,620,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: Rhode Island. FEDERAL PROCESS AGENTS d/.

Trinity Universal Insurance Company. BUSINESS ADDRESS: Post Office Box 225028, Dallas, TX 75265. UNDERWRITING LIMITATION b/: $55,627,000. SURETY LICENSES c/: AL, AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MS, MO, NB, NM, OH, OK, OR, TX, WA, WI, WY. INCORPORATED IN: Texas. FEDERAL PROCESS AGENTS d/.

Trinity Universal Insurance Company of Kansas, Inc. BUSINESS ADDRESS: 2000 Ross Avenue, Dallas, TX 75201. UNDERWRITING LIMITATION b/: $596,000. SURETY LICENSES c/: AL, AZ, CO, DC, GA, KS, KY, LA, NB, OH, OK, OR, TX. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/.

Tri-State Insurance Company. BUSINESS ADDRESS: Post Office Box 3269, Tulsa, OK 74102. UNDERWRITING LIMITATION b/: $1,851,000. SURETY LICENSES c/: AL, AZ, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NB, NM, ND, OK, SD, TN, TX, UT, WA, WY. INCORPORATED IN: Oklahoma. FEDERAL PROCESS AGENTS d/.

Tri-State Insurance Company of Minnesota. BUSINESS ADDRESS: One Roundwind Road, Luverne, MN 56156. UNDERWRITING LIMITATION b/: $747,000. SURETY LICENSES c/: IA, MN, NB, ND, SD, WI. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

Twin City Fire Insurance Company. BUSINESS ADDRESS: Hartford Plaza, Hartford, CT 06115. UNDERWRITING LIMITATION b/: $3,914,000. SURETY LICENSES c/: CA, CT, DC, LA, VA, WV. INCORPORATED IN: Minnesota. FEDERAL PROCESS AGENTS d/.

ULICO CASUALTY COMPANY.2* BUSINESS ADDRESS: 306 South State Street, Dover, DE 19901. UNDERWRITING LIMITATION b/: $656,000. SURETY LICENSES c/: All except AL, CA, CZ, CT, Guam, IL, IN, LA, ME, MA, NB, NH, NY, NC, Puerto Rico, RI, SD, TN, Virgin Islands, WV, WI, WY. INCORPORATED IN: Delaware. FEDERAL PROCESS AGENTS d/.

Unigard Mutual Insurance Company. BUSINESS ADDRESS: 1215 Fourth Avenue, Seattle, WA 98161. UNDERWRITING LIMITATION b/: $4,266,000. SURETY LICENSES c/: All except CZ, CT, GA, Guam, NH, NJ, Puerto Rico, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

Union Indemnity Insurance Company of New York. BUSINESS ADDRESS: 260 Madison Avenue, New York, NY 10016. UNDERWRITING LIMITATION b/: $737,000. SURETY LICENSES c/: All except CA, CZ, Guam, KS, ME, MD, MN, NC, SD, Virgin Islands, WY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/.

Union Insurance Company. BUSINESS ADDRESS: P.O. Box 80439, Lincoln, NB 68501. UNDERWRITING LIMITATION b/: $2,001,000. SURETY LICENSES c/: CO, IA, KS, MN, ND, OK, SD, TX, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

United Fire & Casualty Company. BUSINESS ADDRESS: Post Office Box 4909, Cedar Rapids, IA 52407. UNDERWRITING LIMITATION b/: $3,218,000. SURETY LICENSES c/: AK, AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MN, MS, MO, MT, NB, NJ, NM, NY, ND, OH, OK, OR, SC, SD, TX, UT, WA, WI, WY. INCORPORATED IN: Iowa. FEDERAL PROCESS AGENTS d/.

UNITED NATIONAL INSURANCE COMPANY. BUSINESS ADDRESS: 1737 Chestnut Street, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $2,824,000. SURETY LICENSES c/: PA. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/.

United Pacific Insurance Company. BUSINESS ADDRESS: 33405 Eighth Avenue, South, C-3000, Federal Way, WA 98003. UNDERWRITING LIMITATION b/: $4,502,000. SURETY LICENSES c/: All except CZ, Virgin Islands. INCORPORATED IN: Washington. FEDERAL PROCESS AGENTS d/.

* See footnotes at end of table.

United Pacific Insurance Company of New York. BUSINESS ADDRESS: 4 Penn Center Plaza, Philadelphia, PA 19103. UNDERWRITING LIMITATION b/: $1,029,000. SURETY LICENSES c/: NY. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

United States Fidelity and Guaranty Company. BUSINESS ADDRESS: 100 Light Street, Post Office Box 1138, Baltimore, MD 21203. UNDERWRITING LIMITATION b/: $77,842,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: Maryland. FEDERAL PROCESS AGENTS d/

United States Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: $15,204,000. SURETY LICENSES c/: All except CZ, Guam. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

UNIVERSAL INSURANCE COMPANY. BUSINESS ADDRESS: G.P.O. Box 71338, San Juan, Puerto Rico 00936. UNDERWRITING LIMITATION b/: $1,762,000. SURETY LICENSES c/: Puerto Rico. INCORPORATED IN: Puerto Rico. FEDERAL PROCESS AGENTS d/

Universal of Omaha Casualty Insurance Company.2* BUSINESS ADDRESS: 365 North Saddle Creek Road, Omaha, NB 68131. UNDERWRITING LIMITATION b/: $118,000. SURETY LICENSES c/: NB. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/

Universal Security Insurance Company. BUSINESS ADDRESS: 5454 West Fargo Avenue, Skokie, IL 60077. UNDERWRITING LIMITATION b/: $547,000. SURETY LICENSES c/: AL, AR, CO, FL, GA, IL, IN, IA, KY, LA, MS, MO, NV, NC, OH, OR, TN, WA, WI. INCORPORATED IN: Tennessee. FEDERAL PROCESS AGENTS d/

Universal Surety Company. BUSINESS ADDRESS: Post Office Box 80468, Lincoln, NB 68501. UNDERWRITING LIMITATION b/: $774,000. SURETY LICENSES c/: AZ, CO, ID, IL, IA, KS, MI, MN, MO, MT, NB, NM, ND, OH, OK, OR, SD, UT, WA, WI, WY. INCORPORATED IN: Nebraska. FEDERAL PROCESS AGENTS d/.

UNIVERSAL UNDERWRITERS INSURANCE COMPANY. BUSINESS ADDRESS: 5115 Oak Street, Kansas City, MO 64112. UNDERWRITING LIMITATION b/: $13,776,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: Missouri. FEDERAL PROCESS AGENTS d/

Utica Mutual Insurance Company.2* BUSINESS ADDRESS: Post Office Box 530, Utica, NY 13503. UNDERWRITING LIMITATION b/: $9,407,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

Valley Forge Insurance Company. BUSINESS ADDRESS: CNA Plaza, Chicago, IL 60685. UNDERWRITING LIMITATION b/: $2,453,000. SURETY LICENSES c/: All except AK, CZ, Guam, HI, Puerto Rico, Virgin Islands. INCORPORATED IN: Pennsylvania. FEDERAL PROCESS AGENTS d/

Van Tol Surety Company, Incorporated. BUSINESS ADDRESS: 424 Fifth Street, Brookings, SD 57006. UNDERWRITING LIMITATION b/: $91,000. SURETY LICENSES c/: SD. INCORPORATED IN: South Dakota. FEDERAL PROCESS AGENTS d/

Vigilant Insurance Company. BUSINESS ADDRESS: 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $5,347,000. SURETY LICENSES c/: All except CZ, Puerto Rico. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

VOYAGER GUARANTY INSURANCE COMPANY. BUSINESS ADDRESS: P.O. Box 2918, Jacksonville, FL 32203. UNDERWRITING LIMITATION b/: $310,000. SURETY LICENSES c/: AL, FL, LA, MD, MS, SC, TN, VA. INCORPORATED IN: Florida. FEDERAL PROCESS AGENTS d/

Washington International Insurance Company. BUSINESS ADDRESS: 1900 East Golf Road, Schaumburg, IL 60195. UNDERWRITING LIMITATION b/: $316,000. SURETY LICENSES c/: AZ, CA, FL, IL, MD, MA, NY, OR, WA. INCORPORATED IN: Arizona. FEDERAL PROCESS AGENTS d/

West American Insurance Company. BUSINESS ADDRESS: 136 North Third Street, Hamilton, OH 45026. UNDERWRITING LIMITATION b/: $33,157,000. SURETY LICENSES c/: All except AK, CZ, CT, Guam, HI, ME, MA, MT, NH, Puerto Rico, RI, VT, Virgin Islands, WY. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Westchester Fire Insurance Company. BUSINESS ADDRESS: Post Office Box 2387, Morristown, NJ 07960. UNDERWRITING LIMITATION b/: $12,605,000. SURETY LICENSES c/: All except CZ, Guam, Virgin Islands. INCORPORATED IN: New York. FEDERAL PROCESS AGENTS d/

The Western Casualty and Surety Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, KS 66701. UNDERWRITING LIMITATION b/: $21,480,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, ME, MA, NH, NY, Puerto Rico, RI, VT, VA, Virgin Islands. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/

The Western Fire Insurance Company. BUSINESS ADDRESS: 14 East First Street, Fort Scott, KS 66701. UNDERWRITING LIMITATION b/: $14,052,000. SURETY LICENSES c/: All except AL, CZ, GT, DE, DC, GA, Guam, HI, IN, IA, ME, MA, NH, NJ, Puerto Rico, RI, SC, VT, Virgin Islands. INCORPORATED IN: Kansas. FEDERAL PROCESS AGENTS d/

Western Surety Company. BUSINESS ADDRESS: 101 South Phillips Avenue, Sioux Falls, SD 57192. UNDERWRITING LIMITATION b/: $2,374,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: South Dakota. FEDERAL PROCESS AGENTS d/

Westfield Insurance Company. BUSINESS ADDRESS: Westfield Center, OH 44251. UNDERWRITING LIMITATION b/: $6,305,000. SURETY LICENSES c/: All except AK, CZ, CT, FL, Guam, HI, ME, NH, Puerto Rico, Virgin Islands. (Existing business only in NH.) INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

Westfield National Insurance Company. BUSINESS ADDRESS: Westfield Center, OH 44251. UNDERWRITING LIMITATION b/: 1,876,000. SURETY LICENSES c/: IA, OH. INCORPORATED IN: Ohio. FEDERAL PROCESS AGENTS d/

Wilshire Insurance Company. BUSINESS ADDRESS: 5670 S. Syracuse Circle, Suite 500, Englewood, CO 80111. UNDERWRITING LIMITATION b/: $793,000. SURETY LICENSES c/: AZ, CA, HI, ID, IA, KS, MT, NB, NV, NM, OR, SD, UT, WA. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/

Worldwide Underwriters Insurance Company. BUSINESS ADDRESS: 2000 Westwood Drive, Wausau, WI 54401. UNDERWRITING LIMITATION b/: $498,000. SURETY LICENSES c/: All except CZ, CT, Guam, HI, IL, ME, MA, NH, NJ, NC, Puerto Rico, RI, TX, VT, Virgin Islands, WY. INCORPORATED IN: Wisconsin. FEDERAL PROCESS AGENTS d/

* See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE REINSURING COMPANIES
UNDER SECTION 223.3(b) of TREASURY CIRCULAR NO. 297, REVISED SEPTEMBER 1, 1978 (See Note (e))

Alliance Assurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $3,788,000. FEDERAL PROCESS AGENTS: DC

The Canadian Indemnity Company, Winnipeg, Manitoba, Canada. BUSINESS ADDRESS (U.S. Office): 3350 Harbor Boulevard, Costa Mesa, CA 92626. UNDERWRITING LIMITATION b/: $477,000. FEDERAL PROCESS AGENTS: DC

Frankona Reinsurance Company-U.S. Branch. BUSINESS ADDRESS: 2440 Pershing Road, Suite #200, Kansas City, MO 64108. UNDERWRITING LIMITATION b/: $1,143,000. FEDERAL PROCESS AGENTS: DC

The London Assurance, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $5,065,000. FEDERAL PROCESS AGENTS: DC

Munich Reinsurance Company, Munich, Germany. BUSINESS ADDRESS (U.S. Office): 560 Lexington Avenue, New York, NY 10022. UNDERWRITING LIMITATION b/: $6,027,000. FEDERAL PROCESS AGENTS: DC

The Sea Insurance Company, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $2,900,000. FEDERAL PROCESS AGENTS: DC

Sun Insurance Office, Limited, London, England. BUSINESS ADDRESS (U.S. Office): 15 Mountain View Road, P.O. Box 1615, Warren, NJ 07061-1615. UNDERWRITING LIMITATION b/: $4,298,000. FEDERAL PROCESS AGENTS: DC

Swiss Reinsurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 100 East 46th Street, New York, NY 10017. UNDERWRITING LIMITATION b/: $17,829,000. FEDERAL PROCESS AGENTS: DC

The Tokio Marine and Fire Insurance Company, Limited, Tokyo, Japan. BUSINESS ADDRESS (U.S. Office): 55 Water Street, New York, NY 10041. UNDERWRITING LIMITATION b/: $5,651,000. FEDERAL PROCESS AGENTS: DC

Trans Pacific Insurance Company. BUSINESS ADDRESS: 55 Water Street, New York, NY 10041. UNDERWRITING LIMITATION b/: $549,000. FEDERAL PROCESS AGENTS: DC

"Winterthur" Swiss Insurance Company, Winterthur, Switzerland. BUSINESS ADDRESS (U.S. Office): One World Trade Center, Suite 8911, New York, NY 10048. UNDERWRITING LIMITATION b/: $7,148,000. FEDERAL PROCESS AGENTS: DC

Zurich Insurance Company, Zurich, Switzerland. BUSINESS ADDRESS (U.S. Office): 231 North Martingale Road, Schaumburg, IL 60196. UNDERWRITING LIMITATION b/: $17,518,000. FEDERAL PROCESS AGENTS: DC

FOOTNOTES

1* INA Underwriters Insurance Company—changed its name to CIGNA INSURANCE COMPANY effective December 1, 1983.

2* License information is not current. Confirmation regarding whether a company is licensed for surety in a particular state may be obtained from that state's Department of Insurance.

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation, and excess risks must be protected by co-insurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised September 1, 1978 (31 CFR Section 223.10, Section 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of the limit fixed herein must be reported for the quarter in which they are executed. In protecting such excess, the limitation in force on the date of the execution of the risk will govern absolutely.

(c) A surety company must be licensed in the State or other area in which it executes (signs) a bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR Section 223.5(b)). The term "other area" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) FEDERAL PROCESS AGENTS: Treasury approved surety companies are required to appoint Federal process agents in accord with 31 U.S.C. 9306 and 31 CFR 224 in the following districts: Where the principal resides; where the obligation is to be performed; and in the District of Columbia where the bond is returnable or filed. No process agent is required in the state or other area wherein the company is incorporated (31 CFR Section 224.2). The name and address of a particular surety's process agent in a particular Federal Judicial District may be obtained from the Clerk of the U.S. District Court in that district. (The appointment documents are on file with the clerks.) (NOTE: A surety company's underwriting agent who furnishes its bonds may or may not be its authorized process agent.)

SERVICE OF PROCESS: Process should be served on the Federal process agent appointed by a surety in a judicial district, except where the appointment of such agent is pending or during the absence of such agent from the district. Only in the event an agent has not been duly appointed, or the appointment is pending, or the agent is absent from the district, should process be served directly on the Clerk of the court pursuant to the provisions of 31 U.S.C. 9306.

Title 31, Section 9306 of the U.S. Code provides that in the absence of any agent of a company, service of process may be made upon the Clerk of the court within the district where suit is brought, with like effect as upon an agent appointed by the company. The officer serving process upon the Clerk should immediately transmit a copy of the summons by mail to the corporate secretary of the company (at the business address shown in Treasury Circular 570), and state such fact in his return. A judgement, decree, or order of a court entered or made after service of process will be as valid and binding on the company as if served with process in said district.

(e) Companies holding certificates of authority as acceptable reinsuring companies are acceptable only as reinsuring companies on Federal bonds.

[FR Doc. 84-16372 Filed 6-29-84; 8:45 am]
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Federal Register

Monday
July 2, 1984

Part III

Department of Health and Human Services

Office of Human Development Services
Solicitation for Small Business Innovation Research Program on Social Services Research; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[HDS 84-2]

Solicitation for Small Business Innovation Research (SBIR) Program on Social Services Research

AGENCY: Office of Human Development Services, DHHS.

Subject: Solicitation for the Small Business Innovation research (SBIR) Program on Social Services Research.

SUMMARY: The Office of Human Development Services (OHDS) announces the availability of Fiscal Year 1984 financial assistance for cooperative agreements under the principal authority of Section 1110 of the Social Security Act (SSA).

The Small Business Innovation Development Act of 1982 (Act), Pub. L. 97-219, amended Section 9 of the Small Business Act, 15 U.S.C. 638. Section 9 requires Federal agencies with research and development (R&D) budgets in excess of $100,000,000 to expend specified percentages of that budget for a Small Business Innovation Research (SBIR) Program.

The purposes of the SBIR awards to be made pursuant to this solicitation include: First, to assist and stimulate technology innovation; and second, to assist small business concerns to obtain OHDS contracts for research and development.

The competing applications will be accepted for new research and development (R&D) under the cooperative agreements authorized by 15 U.S.C. 638 (Pub. L. 97-219, "Small Business Innovation Development Act of 1982"). This program announcement consists of four parts. Part I covers background information, discusses the purpose of the Small Business Inovation Research and Development Program and briefly describes the FY 1984 process. Part II describes the application process, who is eligible to apply, what funds are expected to be available, and the selection criteria. Part III describes the topic areas in which the cooperative agreements will be awarded. Part IV identifies the closing date for receipt of applications and additional information concerning mailing of applications.

FOR FURTHER INFORMATION CONTACT: HDS/Division of Research and Demonstration, 200 Independence Avenue SW., Room 732-E, Washington, D.C. 20201, Telephone: (202) 245-6235.

DATE: The closing date for receipt of applications is August 31, 1984.

Part I—General Consideration

A. Scope of This Announcement

This Program Announcement solicits applications from small businesses for projects that will support the Office of Human Development Services' (OHDS) efforts to foster employment among its target populations. These target populations are listed in Part III. The review, evaluation and award of applications is the responsibility of the Office of Program Development, OHDS. Awards will be made by September 30, 1984. Awards resulting from this announcement are expected to total $80,000.

B. Program Purpose

The purpose of the Small Business Innovation Development Act is to stimulate technological innovation within the American small business community and thereby foster jobs, augment industrial productivity, increase competition, and spur economic growth. Small businesses have been both an important source of technological innovation and cost-effective performance of R&D, and will permit the small business sector an increased role in the Federal R&D efforts. This legislation gives the small business sector an increased role in the Federal R&D effort and attracts private capital to commercialize the results of federally funded research.

Three additional objectives of the legislation are:

- To use small busines to meet Federal R&D needs;
- To increase private sector commercialization of innovations derived from Federal R&D; and
- To foster and encourage participation by minority and disadvantage persons in technological innovation.

Other statutory authorities under which grants and cooperative agreements can be awarded by the OHDS Small Business Innovative Research Program are as follows:

- Head Start: Head Start Act of 1981;
- Native Americans: Native American Programs Act of 1974, as amended;
- Training, research and discretionary projects and programs: Title IV of the Older Americans Act, as amended, Section 425, National Impact Activities.

The Act provides for the funds to be awarded in the following three phases:

Phase I: To establish the technical merit and feasibility of R&D ideas which may ultimately lead to increasing employment opportunities in small businesses for disadvantage persons.

Phase II: To develop in depth the Phase I ideas shown to be feasible and which meet the needs of OHDS' programs. Special consideration will be given to projects demonstrating potential private capital commitments for commercial applications. Only Phase I awardees will be eligible to apply for Phase II funding.

Phase III: To commercialize the results of R&D funded by a Federal agency using private capital or, for products intended for Government use, using other than SBIR funds.

This solicitation addresses Phase I R&D efforts only.

C HDS Program Goals and Objectives

The objective of this solicitation is to invite Phase I appllications from small businesses that have the technical expertise to undertake research in general support of the service programs financed by OHDS. A specific list of suggested research topics and examples of prospective projects follows in Part III.

The HDS program goals are to: (1) Involve the small business sector in developing creative and innovative ways of improving and administering OHDS service programs; and (2) expand the boundaries of service delivery knowledge by drawing on new ideas from small businesses. These new ideas and perspectives should stimulate and challenge both service professionals and the public to respond more effectively to State and local needs.

Our aim is to fund projects which can demonstrate substantial prospects for employment following completion of the R&D. Applicatons merely seeking supplemental funds to continue existing organizational operations for the provision of services will not be considered responsive. Applications will not be considered responsive if they propose to develop a product identical to one already available elsewhere.

D. Definitions

A "small business" is an organization, including its affiliates, which is independently owned and operated for profit, is not dominant in its field of operation and can further qualilfy under the following size standard: Not more than 500 employees (full-time, part-time, temporary or other) during the previous 12 month period in which all affiliated firms are owned or controlled by a single parent firm.

"Research" or "research and development" is defined as: (1) A systematic study directed toward greater knowledge for understanding of the subject studied; (2) a systematic study directed specifically toward applying a new knowledge to meet a

recognized need; or (3) a systematic application of knowledge toward the productin of (a) useful material(s), device(s) and system(s) or method(s), including design, development and improvement of prototypes and new processes to meet specific requirements.

A "cooperative agreement" is a financial assistance mechanism whereby money and/or direct assistance is provided to carry out approved non-Federal activities, and where significant Federal programmatic involvement with the recipient during performance is anticipated by the funding agency.

"Controlled" is defined as exercising the power to make policy decisions. "Operated" is defined as actively involved in the day-to-day management.

E. Eligible Applicants

Only small business concerns with 500 or fewer employees that are organized "for profit" are eligible to receive SBIR awards. Each organization submitting a grant application under the HDS SBIR Program must qualify as a small business in accordance with the definition given in this announcement. Two-thirds of each SBIR project must be carried out in the business firm which received the award, and the primary employment of the principal investigator must be with the firm at the time of award and during the time of the proposed project.

F Available Funds

OHDS expects to award a total of $80,000 and approximately three to five awards in the fourth quarter of FY 1984 for the new cooperative agreements. Subject to Congressional action on the FY 1985 budget, a limited number of Phase II grants may be made during FY 1985. Detailed instructions for Phase II awards will be made available prior to the termination of the Phase I project period.

Phase I awards will not normally extend beyond six (6) months. The size of the award will vary depending on the specific goals to be achieved. The average total award is expected to be around $15,000 for a total of about five (5) awards.

G. Cost-Sharing

The Appropriation Act (Pub. L. 98-139) for the Department of Health and Human Services requires that recipient institutions share in the cost of activities supported by research grants and cooperative agreements. For-profit organizations must cost-share *by submitting an (individual) agreement* which specifies the level of cost-sharing for each research project. Applicants should not submit individual cost-sharing proposals until they are notified by the awarding agency/office that an application has been approved and that a cost-sharing agreement is required.

H. Profit or Fee

In accordance with Federal regulations, 45 CFR Part 74, no profit or fee will be provided to for-profit organizations through cooperative agreements. A profit is considered to be any amount in excess of actual direct and indirect costs incurred in the conduct of a project.

I. Joint Ventures and Limited Partnership

Joint ventures are permitted provided the entity created qualifies as a small business in accordance with the definition included in this solicitation.

J. Limit on Contracting Out

Contracting out for purposes of this solicitation, may not exceed thirty-three percent of the total proposed direct and indirect costs of the cooperative agreement unless otherwise approved in writing by the awarding agency.

K. Terms and Conditions of Award

Upon acceptance of a cooperative agreement, the recipient must comply with the terms and conditions contained or referenced in the notice of award document. These terms and conditions constitute legal requirements imposed on a recipient by statute, regulations, administrative policy, or the award document itself.

Awards must be administered in accordance with the following regulations:

45 CFR Part 46—Protection of Human Subjects

45 CFR Part 74 [1]—Administration of Grants

45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance through DHHS, Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

45 CFR Part 91—Nondiscrimination on the Basis of Age in HHS Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

L. Additional Information

- This solicitation is intended for infirmational purposes and reflects current planning. If there is any inconsistency between the information contained herein and the terms of any resulting SBIR funding agreement, the terms of the funding agreement are controlling.
- Prior to the award of an SBIR funding agreement, OHDS may request the applicant to submit certain additional organizational, management, personnel, and financial information in order to assure responsibility of the applicant.
- The OHDS is not responsible for any expenditures by the proposer prior to the award of the funding agreement.
- This solicitation is not an offer by the OHDS and does not obligate the Government to make any specific number of awards. The choice of award recipients under this announcement is discretionary with OHDS and is contingent upon the merit of an application and the availability of funds for research and development.
- The Government is under no obligation to fund any application or make any specific number of awards in a given research area. The Government may also elect to fund several or none of the proposed projects within a given topic area, depending on the quality of the applications and the availability of funds.
- A successful applicant under this program will be required to certify that he or she has not previously been nor is currently being paid by any Federal agency for essentially equivalent work.
- Significant Federal involvement is required for all cooperative agreements. The type and level of involvement is expected to vary with each funded project, and will be determined during pre-award negotiations.

Part II—The Application Process

A. Availability of Forms

Applications for Cooperative Agreements under the HDS SBIR Program must be submitted on Standard Form 424. Forms and instructions may be obtained by writing or calling: HDS/ Division of Research and Demonstrations, 200 Independence Avenue SW., Room 732 E., Washington, D.C. 20201. Telephone: (202) 245-6235. Contact person: Mr. Ramon Garcia.

B. Application Submission

In order to be considered, an application must be submitted on Form 424 and in the manner required. The application must be executed by an individual authorized to act for the applicant business and to assume responsibility for the obligation imposed

[1] Particular attention is directed to subpart AA—Special Provisions for Grants to For-Profit Organizations.

by the terms and conditions of the cooperative agreement grant awards. If additional assistance is needed, the applicant may write to or call the above contact person.

C. Application Consideration

Businesses withing to compete for Cooperative Agreements under this announcement must submit an application within 60 days from the date of publication. Applications that conform to the requirements of this program announcement will be reviewed competitively and evaluated by HDS staff and qualified persons outside the Federal Government. The results of the review will assist the approving HDS officials in considering competing applications. The approving officials will make the decision to fund or not to fund a competing grant applications.

D. Method of Selection and Evaluation Criteria

Assignment of Applications

The Division of Grants and Contracts Management will record the receipt of all applications and refer the application to the Office of Program development for review and further processing.

Review Process

Applications will be initially screened to determine responsiveness to the program solicitation. Applications considered responsive will be reviewed competitively and evaluated for technical merit by a panel of experts.

Senior officials of the appropriate funding agency or office will make the decision whether or not to fund a particular application. These decisions will be based on the following factors: (a) Rating resulting from the technical evaluation process; (2) program relevance; (3) priorities of the SBIR Program (e.g., demonstration of prospective non-Federal capital commitments); and (4) availability of funds.

Notification

Unsuccessful applicants will be notified of the decision in writing. Successful applicants will be notified through the issuance of a Notice of Federal Financial Assistance Award.

Criteria for Evaluation

The following factors and relative weights will be used in assessing the technical merit of each application:

Factors	Weight (percent)
The soundness of the proposed project, the potential for achieving the objective, and the adequacy of the proposed effort given the objective in mind	25
Qualifications of the proposed principal key investigator(s), supporting staff, and consultants, given the proposed project	10
The potential of the proposed techniques for fulfillment of requirements of the research topic or subtopics	20
The potential of the proposed techniques for nationwide application	20
The appropriateness of the budget requested, given the anticipated results	15
Adequacy and suitability of the facilities and organizational environment	10

Part III: Research Topics

A basic mission of human service agencies is to enhance the ability of families to care for their own members without the need for public assistance. For those whose needs make supplementary assistance necessary, human service agencies should seek to provide transitional support without replacing the role of the family. To accomplish this, human service agencies need to develop greater understanding of and sensitivity to the families they serve. They also need to garner the involvement and support of other organizations and individual professionals, both public and private.

The OHDS SBIR program is aimed at the task of enabling the HDS target population to enter or remain in the job market and become economically more self sufficient, thus preventing or reducing dependency on public sources of support. The small business community can make a great contribution toward reducing dependency by developing a method of increasing private sector employers' involvement. The potential exists for development of new concepts and methodologies in this area, suitable for eventual application on a broad, perhaps even national, scale.

Target Population

While the OHDS is interested in fostering employment in general, certain specific groups have been identified as the focus for this research. These include:

- handicapped persons;
- the elderly;
- minority youth;
- welfare recipients; and
- Native Americans.

These groups have traditionally been characterized by chronic underemployment, even in periods of relative national economic prosperity.

Examples of Prospective Research

The OHDS believes that much of the underemployment of the targeted groups is due to lack of effective concepts and methods for identifying opportunities and removing barriers to employment. Furthermore, active involvement by the private sector will be needed to address these problems. This will require the capability to target specific industries and labor segments and, perhaps most importantly, to stimulate senior corporate management participation in employment efforts. Sample research themes may include:

1. *Techniques for obtaining the active participation of senior corporate officers in employment efforts.* General research in corporate policy supports the view that meaningful corporate involvement in employment efforts on behalf of the targeted population will only occur if there is commitment and active participation by senior management. Innovative concepts and methods for obtaining and using this involvement appropriately are needed.

2. *Techniques for establishing linkages between corporate/business strategies and employment goals.* As a general rule, obtaining active private sector involvement in employment efforts requires that clear-cut benefits be demonstrated in terms that relate to business objectives. These linkages should be specific and demonstrable—simply ascribing the general benefits of a healthier economy to improve employment is insufficient. New, pragmatic approaches are required to identify linkages between specific corporate/business strategies and employment goals—preferably in quantifiable terms.

3. *Techniques for targeting prospective employment opportunities.* Prior research and historical "success stories" suggest that certain conditions may be associated with the potential for improving employment of these underemployed groups. These conditions include both socioeconomic factors (an "environmental" model) and labor/industrial factors (an "employer" model). Techniques are required for identifying and applying these factors, and then helping the private sector to capitalize on the opportunities.

4. *Techniques for removing barriers to employment.* There is evidence to suggest that even where benefits can be identified for employing the targeted groups, there are psychological barriers which prevent achieving the desired goals. These may include personal work attitudes, biases, perceived physical barriers such as special equipment for the handicapped. Many of these obstacles may be, in fact, intangible, but must be overcome in order to promote the hiring of underemployed. Innovative

methods are required for identifying and removing these barriers.

5. *Synthesis, packaging and dissemination of prior research results.* A large number of studies have been conducted in the past several years examining various aspects of the employment problem. There is need for a systematic analysis of the results of this work to identify successful and replicable techniques and models, package them into polished form for dissemination, and disseminate them innovatively for use by the private sector.

6. *Techniques for public sector stimulation of employment.* In some cases the provision of incentives to business (both positive and negative) by the public sector can enhance the opportunity for increasing employment. While this approach is the least preferred method there may be demonstrable benefits from carefully applied direct incentives (such as zoning ordinance changes or tax incentives), especially at the State and local levels. Demonstration of effectiveness of public incentives for employment is required, along with creative concepts for application.

These topics are intended to be neither mutually exclusive nor collectively exhaustive. Applications which combine two or more of these ideas into a coherent, creative project are desired. Further, any additional ideas which directly and productively relate to the principal research topic and which are consistent with the SBIR objectives are also desired.

Part IV—Closing Date for Receipt of Application

The closing date for receipt of all applications under this Program Announcement is August 31, 1984.

A. Mailed Application

Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline date if they are received at the following address: HDS/Division of Grants and Contracts Management, Department of Health and Human Services, 330 Independence Avenue SW., Room 1740, Washington, D.C. 20201, Attention HDS–SBIR.

1. On or before the deadline date; or,

2. Sent by first class mail postmarked on or before [60 days after publication] and received in time for review. Applicants are advised to request a legible U.S. Postal Service postmark or to obtain a legibly dated receipt from the U.S. Postal Service or commercial carrier. Private metered postmarks will not be acceptable as proof of timely mailing.

B. Late Applications

Applications which do not meet these criteria are considered late applications and will not be considered in the current competition.

Dated: June 27, 1984.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 84-17523 Filed 6-29-84; 8:45 am]

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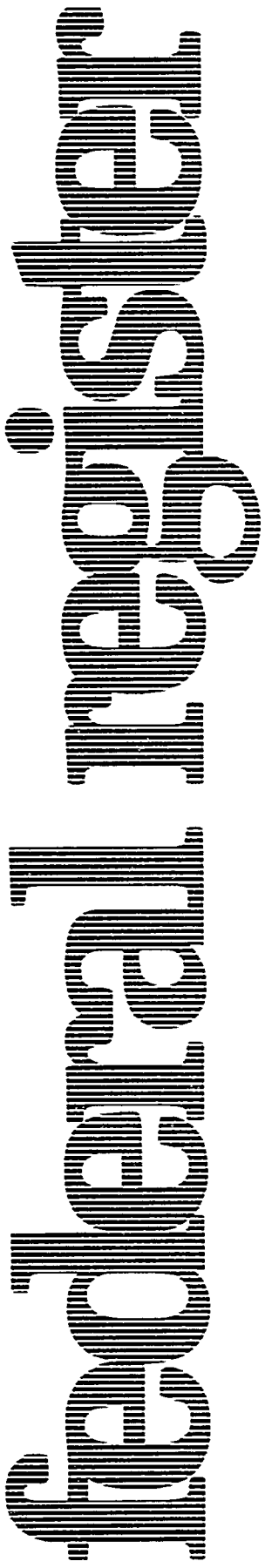

Monday
July 2, 1984

Part IV

Department of Health and Human Services

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1984; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BERC-228-F]

Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1984

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This document sets forth a schedule of limits on home health agency (HHA) costs reimbursable under the Medicare program effective for cost reporting periods beginning on or after July 1, 1984. It also revises the regulations governing exceptions to the cost limits for newly established HHAs.

EFFECTIVE DATE: The schedule of limits is effective for cost reporting periods beginning on or after July 1, 1984. The regulation clarification is effective July 1, 1984.

FOR FURTHER INFORMATION CONTACT: V Judith Thomas (301) 594-9235.

SUPPLEMENTARY INFORMATION:

I. General Information

In the Federal Register on May 15, 1984 (49 FR 20616), we issued for public comment a proposed schedule of limits on HHA costs that may be reimbursed under the Medicare program, effective for cost reporting periods beginning on or after July 1, 1984. Along with the proposed schedule of limits, we requested public comments on proposed changes to the regulations at 42 CFR 405.460(f)(7) concerning exceptions to the cost limits for newly established HHAs.

In the first part of this document, we are finalizing the schedule of cost limits, and in the second part, we are revising § 405.460(f)(7) as proposed. In addition, a summary of the comments we received on the limits and the proposed rule, and our responses to those comments, are presented below.

II. Limits on HHA Costs

A. Background

Section 1861(v)(1) of the Social Security Act (the Act) (42 U.S.C. 1395x(v)(1)) authorizes the Secretary to set prospective limits on allowable costs incurred by a provider of services that may be reimbursed under Medicare, based on estimates of the costs necessary for the efficient delivery of needed health services. The limits may be applied to direct or indirect overall costs or to the costs incurred for specific items or services furnished by the provider. This provision of the statute is implemented under § 405.460 of the regulations.

It is under this authority that this schedule of cost limits is being published. The limits are set at the 75th percentile of per visit costs by type of service and will be applied to each HHA's cost in the aggregate. The schedule set forth below replaces the schedule that was published in the Federal Register on September 29, 1982 (47 FR 42904) and that was applicable to cost reporting periods beginning on or after September 3, 1982.

In developing these limits, we have retained the basic methodology used for the September 3, 1982, schedule, but have made some technical changes as explained below.

B. Summary of Provisions of the Limits Proposed on May 15, 1984.

1. A classification system based on whether an HHA is located within a Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA). This was a technical change and differed from the classification system that was used previously. In prior limits schedules, we used Standard Metropolitan Statistical Areas (SMSAs and non-SMSAs), and in New England, New England County Metropolitan Areas (NECMAs and non-NECMAs) to determine urban locations. However, OMB issued revised MSA and NECMA designations on June 27 1983 (OMB-83-20), which were effective June 30, 1983. The OMB definition of what constitutes an MSA or NECMA along with a list of the newly designated areas were contained in the proposed rule (49 FR 20616).

2. Use of a single schedule of limits for hospital-based and freestanding agencies. Section 1861(v)(1)(L) of the Act requires the use of a single schedule of HHA limits based on the per visit cost experience of freestanding agencies. We provided for an "add-on" adjustment to the freestanding limit for hospital-based HHAs to account for the higher administrative and general costs resulting from the Medicare cost allocation requirements. The amount of the "add-on" was calculated by determining the median cost of each discipline for hospital-based agencies and computing 13 percent of the resulting dollar amount. The labor-related portion of the add-on, adjusted by the appropriate wage index, in addition to the nonlabor portion is added to each freestanding limit to determine the discipline limit for hospital-based agencies.

For cost limits purposes, an agency is considered to be hospital-based if it is part of a hospital that is required to file a HCFA-2552 cost report (see Provider Reimbursement Manual, HCFA Pub. 15-I, section 2326.2 and meets the requirements specified in the schedule of limits contained in the notice published on June 5, 1980 (45 FR 38014). For the reader's convenience we are restating these requirements as follows:

An HHA is determined to be hospital-based when it is an integral and subordinate part of a hospital and is operated with other departments of the hospital under common licensure, governance, and professional supervision; all services of both the hospital and the HHA are fully integrated. Specifically, and HHA is hospital-based if the following conditions are met:

- The HHA and hospital are subject to the bylaws and operating decisions of a common governing board; and
- The HHA and hospital are financially integrated as evidenced by the cost report, which must reflect allocation of hospital overhead to the HHA through the required step-down methodology, and by common billing for all services of both facilities. (See HCFA Pub. 15-I, section 2326).

The existence of either an agreement between an HHA and a hospital with respect to the referral of patients or a shared service arrangement (a common arrangement recognized by both Medicare and Medicaid) does not mean that an HHA is hospital-based and is not considered in determining the status of the facility.

3. Use of a market basket index developed from the price of goods and services purchased by HHAs to account for the impact of changing wage and price levels on HHA costs. The market basket index was first introduced effective July 1, 1980, replacing the actuarial estimates of changes in HHA costs used in the previous schedule. It is used to adjust HHA cost data to the midpoint of the initial cost reporting period to which the limits apply (December 31, 1984). We believe that an HHA-specific market basket price index is the best available measure of inflation in the home health industry. The market basket is comprised of the most common categories of HHA expenses. The categories used were identified through an analysis of 1977 Medicare cost reports and other available home health industry surveys. The categories of expenses are weighted according to the estimated proportion of HHA cost

attributable to each category. The categories used in the market basket contained in the proposed schedule did not change from those used in the September 29, 1982 notice (47 FR 42904). However, the relative cost shares used change over time because of differences in the rate of increase in the various price variables. Categories with higher rates of price increases receive higher relative cost shares and vice versa. In developing the market basket index, we obtained historical and projected rates of increase in the resource prices for each category.

4. *An adjustment to the limits if the estimated market basket index rate, as explained above, differs from the actual rate by more than 3/10 of one percentage point.* This was a change from the market basket adjustment used in the September 29, 1982 notice because in that notice the limits were adjusted to reflect the actual rate of increase in the market basket index only when the actual rate of increase exceeded the estimated rate by more then 3/10 of one percentage point. The proposed schedule allowed for an adjustment to the limits whenever the actual rate differed from the estimated rate by more than 3/10 of one percentage point (that is, higher or lower). This change continued the protection afforded providers when the rate of increase in the prices of the goods and services they consumed was greater than the estimated rate assumed by the limits. It also assured that expenditures were not in excess of a level appropriate to economic trends during the time the limits were in effect, thus moderating the pressures on the Medicare Trust Fund. This policy change allows the trust fund to benefit from any moderation in the rate of inflation, which is in the interest of current and future Medicare beneficiaries. By utilizing the actual rate in the market basket index, the limits will now accurately reflect price changes that occur during the time the limits are in effect.

Following the end of each year that the limits are in effect, HCFA will determine the actual rate of increase or decrease in the market basket for the year. The data necessary to make this determination are usually available in the second quarter of the following year. This allows us to make the determination of the actual rate by June 30. If the actual rate differs from the estimated rate by more than 3/10 of one percentage point, the limits will be adjusted to reflect the actual rate of increase or decrease in the market basket for the preceding year. We will advise the intermediaries of these adjusted limits and publish them in the Federal Register. The adjusted limits are to be used by the intermediaries to determine the amount of the final settlement for the cost reporting periods ending in the year for which the actual rate of increase or decrease has been determined.

A comparison between the actual rates of inflation, as detailed in section II.F. of this document, for 1982 and 1983 and the projected rates of inflation for these years as shown in the September 29, 1982 notice reveals that the estimated rate was within the 3/10 of one percentage point threshold for both years; therefore, we are making no retroactive adjustment to the limits that were effective September 3, 1982.

5. *Use of a wage index developed from hospital wages for adjusting HHA cost data.* The wage indexes used in the proposed schedule were based on updated wage data for the year 1981. They were developed from data supplied by the Bureau of Labor Statistics (BLS) for the hospital group, a standard BLS reporting category. We continued to use a combined wage index that was based on a single national average wage. The use of a combined rather than separate urban/rural indexes allows for direct comparison of index numbers across urban and rural areas.

To develop the combined wage index, we computed the national average hosptial wage for all areas (MSAs, NECMAs, non-MSAs and non-NECMAs) and divided this average into the average hospital wage for each area. The result of this calculation is an area index number that is used to adjust the labor-related portion of the group limits. For a complete description of the combined wage index, see "Computation of Wage Index Used to Adjust HHA Cost Data" at 47 FR 42906.

In developing the proposed limits, we continued to exclude the data for Federal hospitals from the BLS data base in constructing the hospital wage index. The exclusion of Federal data results in more comparable indexes among areas with otherwise similar hospital wage levels. To the extent hospitals must pay employees wage rates similar to those of Federal facilities to attract qualified personnel, this competitive behavior is reflected in the non-Federal BLS data used to calculate the index. That is, if non-Federal facilities in an area pay wage rates relatively equivalent to those of Federal hospitals, the exclusion of Federal wages have little effect on the wage index, if other factors are unchanged.

The wage index used for the schedule of proposed limits was based on data for calendar year 1981, which were the latest available data. All hospitals are required under State unemployment compensation laws to report these data. If we discover that we, or BLS, made an error that results in incorrect wage indexes for any area, we will notify the Medicare intermediaries of the corrected index and will direct them to recalculate the limits for those providers affected. However, BLS has advised us that they are unable to correct any inaccuracies in the wage index that may result from a hospital's failure to report the required wage data.

6. *Application of the wage index to HHA employee benefits to derive the share of labor cost contained in the limits.* This was a technical change in the method used to derive the share of labor cost contained in the prior limits schedule of September 29, 1982. In that prior schedule, the wage index was applied only to the wage portion of labor costs with wages being defined as wages, salaries, and a proportional share of contract service costs that are attributable to wages.

In the proposed rule, we defined labor-related HHA costs as wages and salaries, and employee benefits. Therefore, in the proposed limits we applied the wage index to the wage and employee benefit portion of per visit cost. The data used to compute the labor-related relative importance were shown in the market basket. Since fringe benefits characteristically vary area-by-area along with wage levels, we believed the market environment for each HHA was more accurately represented when fringe benefits were included in the calculations.

Fringe benefits include such items as FICA, health insurance, life insurance, agency contributions to employee retirement funds and all other compensation ordinarily designated as "employee health and welfare" costs under the Medicare principles of reimbursement. A complete listing of these types of costs is found in the Provider Reimbursement Manual (HCFA Pub. 15-I, Chapter 21), and in the instructions to HCFA cost reporting forms. Fringe benefits, not separately identified, are recorded on worksheet A-2 of the revised HCFA form 1728 (Home Health Agency Report) and worksheet H-2 of HCFA form 2552K (Hospital Cost Report).

7. *Separate treatment of labor-related and nonlabor components of per visit costs.* The proposed limit schedule retained the separate treatment of the labor-related and nonlabor components

of per visit costs. We calculated the separate components of costs by obtaining actual HHA cost data for each agency and increasing those data by the actual and projected changes in the HHA market basket. We then separated each HHA's per visit costs into labor-related and nonlabor portions, and divided the labor-related portion by the wage index for the agency's location to standardize for the effect of wage differences. Separate percentiles were computed for the labor-related and nonlabor components of per visit costs. The 75th percentile was used for both the labor-related and nonlabor components of per visit cost.

8. *Use of a cost of living adjustment for Alaska, Hawaii, Puerto Rico, and the Virgin Islands.* To avoid disadvantaging HHAs located in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, we continued to provide a cost of living adjustment for these areas. This is an adjustment to the nonlabor component of the limits that applies to these areas. The adjustment is based on the most recently determined cost of living differentials developed by the Office of Personnel Management. This adjustment is applied only to the nonlabor component since we adjust the labor-related component by the appropriate wage index.

9. *Calculation of per visit limits by type of service.* The limits are calculated for each type of service: skilled nursing care, physical therapy, speech pathology, occupational therapy, medical social services, and home health aide.

10. *Application of the limits in the aggregate after the provider's actual costs are reduced.* A provider's actual costs are reduced by the amount of individual items of cost that are found to be excessive under Medicare principles of provider reimbursement and reimbursable costs that are not included in the limitation amount. The limits are applied in the aggregate to the costs remaining after these adjustments are made.

11. *Elimination of new home health agencies and "outlier" costs from the data base.* The proposed schedule of limits made two refinements to the data base used to compute the limits. We eliminated the per visit costs of new agencies, and we eliminated "outlier" costs.

The proposed schedule excluded data from all new HHAs (that is, agencies approved for participation after December 31, 1980) regardless of cost reporting period length. We defined "new home health agency" for this purpose to correspond to the definition used in the exceptions process (that is, the HHA has provided home health services for a period of less than three full years). Since the per visit data used for the proposed schedule were computed from calendar year 1981 and 1982 costs, agencies approved for participation in those years are in their first or second cost reporting period. In some cases these agencies are eligible for an exception under § 405.460(f)(7) when their costs exceed the applicable limits.

Since we encountered some extreme cost per visit values for some HHAs, which appear to result from obvious reporting errors, we eliminated "outlier" costs from the proposed schedule and used as a base for establishing limits only those HHA per visit costs that fell within two standard deviations from the mean per visit costs in each service. We believe this refinement to the system produces a data base which more accurately reflects the costs necessary for the efficient delivery of home health services.

C. Summary of Comments and Responses to the Proposed Limits

Comment—Some commenters did not believe that any costs should have been excluded from the per visit costs used to compute the limits.

Response—The statutory authority, for the limits (section 1861(v)(1) of the Act) requires that they be based upon estimates of the costs necessary in the efficient delivery of needed health care. New agencies have been recognized as having abnormally high per visit costs in their initial years of operation and, for this reason, an exception to the limits is provided at § 405.460(f)(7). Thus, using the unusual costs of these new agencies would result in limits that are not representative of efficient operation.

The same basic rationale was followed in our decision to exclude per visit costs that were outside a range of plus or minus two standard deviations from the mean (outlier costs). A review of some of these excluded per visit costs confirmed that, in every instance, they were clearly the result of provider errors in preparing the cost report. Since these costs are not representative of the true costs incurred in delivering services, their exclusion is appropriate.

Comment—Several commenters questioned the fact that the base limit for home health aides has decreased from that published in the September 29, 1982 notice (47 FR 42904).

Response—The decrease in the home health aide limit, as well as the concomitant increases in the limits for some of the professional services, is a direct result of the data reported using the single-method of cost finding that was implemented on October 1, 1980. Under prior methods of cost reporting, which involved averaging the costs of these services together, the cost of home health aide care tended to be overstated and the costs of some of the other disciplines were understated. Since these limits are applied to costs reported using the required method (that is, the single-method), the change in these limit values should not disadvantage any efficiently operated HHA, and may work to the advantage of many agencies.

We believe there may be additional reasons for the anomalies in per visit costs, resulting primarily from reporting errors, and we are continuing to evaluate the need for clarification of the cost report instructions.

Comment—Several commenters questioned the accuracy of the values of individual wage indexes.

Response—The data used to develop the wage indexes are the most reliable national data currently available. The wage indexes are based upon hospital wage data reported to the BLS which are presently the only reliable and accurate wage data reported in the detail necessary for the development of the wage indexes. We are currently evaluating alternative sources of data for the development of a more accurate method of adjusting the limits for geographic variations in costs. However, this system is not perfected to the point that the data could be used for these limits.

In addition, and as discussed in previous notices, we agree that an HHA industry-specific wage index would be preferable. We had originally intended to use the employee and compensation analysis data from the revised HHA cost report (HCFA-1728-80) in the development of such a wage index. However, our review identified numerous reporting errors in these data that prevented their use in the development of wage indexes. Therefore, until more accurate data are available we must continue to use the BLS data for the calculation of the wage indexes.

Comment—One commenter recommended applying the limits on a per discipline basis rather than on the aggregate basis (which applies the limits to total agency costs and allows an offset of high cost services against low cost services).

Response—We are unable to apply the limits on a per discipline basis at this time because our initial analysis of the first year use of the single-method cost report indicated that there were numerous reporting errors. For example,

many agencies accumulated all medical social service expenditures directly into the medical social service cost center without regard to time spent in other than visiting activities. Although total agency costs were not affected by these reporting errors, these errors tended to overstate per visit costs in a service with low utilization, consequently understating the costs of high utilization services. However, we may apply the limits on a per discipline basis once the accuracy of the per service costs can be confirmed.

Comment—We received a number of comments concerning the add-on adjustment for hospital-based HHAs. Some commenters supported its use while others opposed the use of any add-on.

Response—The statutory basis and purpose for the add-on adjustment to the limits for hospital-based HHAs was discussed in detail in the September 29, 1982 notice (47 FR 42904). The September 29, 1982 notice established the single limits with an add-on adjustment for hospital-based HHAs. In summary, our discussion of the add-on adjustment in 47 FR 42904 stated that it was the clearly expressed intent of Congress that we would recognize "legitimate cost differences in hospital-based facilities resulting from such factors as the effects of Medicare cost allocation requirements" (See H.R. Rep. No. 97-760, 97th Cong., 2nd Sess., 423 (1982).)

The add-on amounts included in this schedule of limits recognize the administrative and general (A and G) costs allocated to the HHA from the parent hospital's A and G account in accordance with medicare cost allocation requirements. It is our belief that the add-on adjustment provides no competitive advantage to any segment of the HHA industry. The add-on adjustment, in accordance with Congressional intent, merely recognizes the allocation to the HHA of hospital A & G costs that are in excess of the HHA's usage of hospital A & G resources.

D. Provisions of the Limits Effective July 1, 1984

The provisions of the limits contained in this final document are the same as those contained in the proposed schedule of limits. To summarize, the new schedule of limits provides for the following:

1. A classification schedule based on whether an HHA is located within an MSA or NECMA. (See Chart I for a listing of MSA/NECMA areas. See Chart II at 49 FR 20628 for a list of areas qualifying for recognition as new MSAs/NECMAs).

2. Use of a single schedule of limits for hospital-based and freestanding agencies. This single limit is based on the per visit costs of freestanding agencies. We have provided for an "add-on" adjustment of the freestanding HHA limit (which is equal to 13 percent of the median) for each hospital-based discipline to account for the higher costs associated with Medicare cost-finding requirements.

3. Use of the following market basket index developed from the price of goods and services purchased by HHAs to account for the impact of changing wage and price levels on HHA costs. The limit values contained in this schedule, which differ from those in the proposed schedule, reflect the latest available actual and projected rates of inflation in HHA input prices. They also reflect the latest estimate of the relative importance of the various categories of costs during the period the limits will be in effect, which has increased the percentage of costs deflated by the wage index by 1.75 percent from the percentage used in the proposed schedule. The categories of costs and their forecasted relative importance during the period the limits will be in effect (1985), are shown in the following table. We have used the 1985 relative importance, rather than those of 1981 used in the proposed schedule, as we believe they reflect the market environment that will exist while these limits are in effect. These 1985 values reflect the different actual rates of increase in the various categories of wages and prices from the 1977 base through 1983, and our forecasts of the rate of change for 1984 and 1985.

HOME HEALTH AGENCY INPUT PRICE INDEX: COST CATEGORIES, WEIGHTS, FORECASTERS, AND PRICE VARIABLES USED

Cost categories	Relative importance, 1985 [1]	Forecaster of Percent changes (1984-85) [2]	Price variables used
Wages and salaries	65.29	DRI-CFS	Average hourly earnings of nonsupervisory private hospital workers. (SIC 806). Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Employment and Earnings* (monthly).
Employee benefits	8.80	DRI-TL	Supplements to wages and salaries per worker in non-agricultural establishments. Source: For supplements to wages and salaries—U.S. Dept. of Commerce, Bureau of Economic Analysis, *Survey of Current Business* (monthly). For total employment—U.S. Dept. of Labor—Bureau of Labor Statistics, Employment and Earnings (monthly).
Miscellaneous	6.54	DRI-TL	Consumer Price Index for all items, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.*
Transportation	4.61	DRI-TL	Transportation component of the Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.*
Office costs	2.82	DRI-TL	Services component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.*
Medical nursing supplies and rental equipment	2.49	HCFA-HHS	Medical equipment and supplies component of the Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.*
Nonrental space occupancy costs.	1.42	DRI-TL	Composite Fuel and other Utilities Index. Source: HHS-HCFA, Community Hospital Input Price Index.
Rent	1.16	DRI-CFS	Residential rent component of Consumer Price Index, all urban. Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *Monthly Labor Review.*
Contract service	6.87		Weighted mean of price variables for the preceding eight items.
Total	100.00		

[1] Relative cost weights for 1977 were derived from special studies by the Health Care Financing Administration using primarily data from HCFA Medicare cost reports and data from the Council of Home Health Agencies and Community Health Services. A Laspeyres price index was constructed using 1977 weights and price variables indicated in this table. The relative importance values change over time in accordance with price changes for each price variable. Cost categories with relatively higher price increases get higher relative importance values and vice versa.

[2] DRI-TL refers to Data Resources, Inc., Trendlong (TL 0484), 29 Hartwell Avenue, Lexington, Massachusetts 02173; DRI-CFS refers to Data Resources, Inc., Cost Forecasting Service (CFS842), 1750 K Street, N.W., Washington, D.C. 20006.

4. An adjustment will be made to the limits if the estimated market basket rate differs from the actual rate by more than 3/10 of one percentage point.

5. A wage index is being used that was developed from hospital wages. It is used to adjust the labor-related portion of the limits and the administrative and general (A and G) add-on to reflect differing wage levels among the areas in which HHAs are located. The employee wage portion of the market basket index (65.29 percent) and the employee benefits portion of the market basket (8.80 percent), plus a factor representing a proportionate share of contract services (5.47 percent), will be used to determine the labor component (79.56 percent) of all home health agency per visit costs used to set the limits.

6. The limits are set at the 75th percentile of the labor-related and nonlabor components of per visit costs.

7.A cost of living adjustment is being applied to the nonlabor portion of the limits for HHAs in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

8. We are calculating per visit limits by type of service.

9. The limits will be applied in the aggregate after the provider's actual costs are reduced by—

- The amount of individual items of cost that are found to be excessive under Medicare principles of provider reimbursement; and
- Reimbursable costs that are not included in the limitation amount.

See section G. for a detailed discussion of the costs subject to the limits.

E. Application of Limits to State Medicaid Rates

Methods of reimbursement for HHAs under Medicaid are determined by the individual State agencies. There is no existing requirement in the regulations that Medicare cost limits be applied to payment rates for HHA services under Medicaid. Therefore, Medicare cost limits for HHAs apply to Medicaid payments only in those States that choose to incorporate the limits into their plans for payment for home health services.

F Methodology for Determining Cost Per Visit Limits

1. *Development of published limits*

a. *Data.* We determined the schedule of limits by extracting actual cost per visit data obtained from the latest Medicare cost reports for periods ending on or before September 30, 1982. We then eliminated from the data base all per visit costs of those agencies approved for participation after December 31, 1980 and adjusted the remaining data using market basket factors to reflect cost increases occurring between the cost reporting periods contained in our data base and December 31, 1984 (the midpoint of the first cost reporting period to which the limits apply). The annual percentage increases used to compute the per visit costs are as follows:

Calendar year	Percent increase
Market basket:	
1981	[1] 12.1
1982	[1] 9.9
1983	[1] 6.6
1984	[2] 6.0
1985	[2] 6.4

[1] Final rate.
[2] Forecasted increases. The projected rate of increase or decrease in the market basket index will be adjusted to the actual inflation rate if the actual rate differs from the estimated rate by more than 1/10 of one percentage point. We will notify the Medicare intermediaries of the actual rate and advise them to adjust each home health agency's cost limit at the time of final settlement.

b. *Adjustment for "outliers"* We arrayed all freestanding and hospital-based per visit cost data by type of service and MSA and non-MSA locations in order to determine the mean cost and standard deviation for each array. We then eliminated all "outlier" costs, retaining only those per visit costs within two standard deviations from the mean in each service.

c. *Deflation by wage index.* After the elimination of "outliers" and adjustment by the market basket, we divided each HHA's per visit costs into labor-related and nonlabor portions. We determined the labor-related portion of costs (79.56 percent) by using the 74.09 percent employee wage and benefit factor derived from the market basket relative importance share plus 5.47 percent representing a proportionate share of the market basket relative importance share for contract services. We then divided the labor-related portion of per visit costs by the wage index applicable to the HHA's location to arrive at an adjusted labor-related cost.

d. *Basic service limit.* A basic service limit equal to the 75th percentile of the labor-related and nonlabor portions of the per visit costs of freestanding HHAs is calculated for each type of service.

(See Table I)

2. *Adjustment of published limits*

a. *Adjustment of labor-related component by wage index.* To arrive at the adjusted limit, which is to be applied to each service furnished by an HHA, the intermediary first multiplies the labor-related component of the limit (Table I) for the comparison group by the appropriate wage index. (See Tables III A and III B.) The adjusted limit applicable to an HHA is the sum of the nonlabor component plus the adjusted labor-related component.

Example—Calculation of Adjusted Occupational Therapy Limit

Nonlabor Component—$11.94
Labor-related Component—$42.82
Wage Index—1.0177

Computation of Adjusted Limit

Labor-related Component—$42.82
x Wage Index—1.0177
Adjusted Labor-related Component—$43.58
+Nonlabor Component—$11.94
Adjusted Limit for Occupational Therapy—$55.52

b. *Adjustment for reporting year.* If an HHA has a cost reporting period beginning on or after August 1, 1984, the adjusted per visit limit for each service will be revised upward by a factor from Table IV that corresponds to the month and year in which the cost reporting period begins. Each factor represents the monthly increase derived by dividing the projected annual increase in the market basket index by 12, and is used to account for inflation in costs that will occur after the date on which the limits become effective.

Example—Home Health Agency A's cost reporting period begins January 1, 1985. The labor adjusted per visit limit for occupational therapy for A's group is $55.52.

Computation of Revised Limit for Occupational Therapy

Adjusted Per Visit Limit—$55.52
Adjustment Factor from Table IV—1.0320
$55.52 x 1.0320 = $57.30

In this example, the revised adjusted per visit limit for occupational therapy applicable to A for the cost reporting period beginning January 1, 1985, is $57.30 per visit.

If an HHA uses a cost reporting period that is not 12 months in duration, a special calculation of the adjustment factor must be made. This results from the fact that projections are computed to the midpoint of a cost reporting period, and the factor of .0053 is based on an assumed 12-month reporting period. For cost reporting periods other than 12 months, the calculation must be done specifically for the midpoint of the cost reporting period. In such cases, the intermediary for the HHA will obtain this adjustment factor from HCFA.

c. *Adjustment for hospital-based agencies.* If an HHA participates in the Medicare program as part of a hospital that is required to file a HCFA-2552 hospital cost report (see HCFA Pub. 15-I, section 2326.2), and meets the requirements specified in the schedule of limits contained in the notice published June 5, 1980 (45 FR 38014), as discussed in section II.B.2 of this document, the HHA will be considered a hospital-based agency. Therefore, the HHA will be entitled to an adjustment of the per visit limit to account for higher administrative and general costs resulting from the Medicare cost allocation requirements. The intermediary will compute the adjusted cost limit as described in the example following Table II.

G. Schedule of Limits

The schedule of limits set forth below applies to the 12-month cost reporting period beginning on or after July 1, 1984, and remains in effect until publication of the new limits effective July 1, 1985. The intermediary will compute the adjusted limits using the wage index published in Tables IIIA and IIIB and notify each HHA of its applicable limits.

The HAA costs that are subject to the limits include the cost of medical supplies routinely furnished in

conjuction with patient care. Medical supplies that are not routinely furnished in conjuction with patient care visits and are directly identifiable as services to an individual patient (that is, medical supplies for which a separate charge is made, in addition to the per visit charge) are excluded from the per visit cost if—

1. The common and established practice of comparable HHAs in the area is to charge separately for the items;
2. The HHA follows a consistent charging practice for Medicare and non-Medicare patients receiving the item;
3. Generally, the item is not frequently furnished to patients;
4. The item is directly identifiable to an individual patient and its costs can be identified and accumulated in a separate cost center; and
5. The item is furnished at the direction of the patient's physician and is specifically identified in the plan of treatment.

This explanation of nonroutine medical supplies is consistent with instructions for reporting the cost of these supplies on the revised HHA cost report, forms HCFA–1728 and HCFA–2552K. The reasonable cost of medical appliances and supplies that are not routinely furnished in conjunction with patient care visits will be reimbursed without regard to the schedule of limits.

The intermediary determines the limit for each HHA by multiplying the number of Medicare visits for each type of service furnished by the provider by the respective per visit cost limit. The sum of these amounts is compared to the HHA's total allowable cost.

Example: HHA A, a freestanding agency located in Charlottesville, Virginia made 5000 skilled nursing, 2000 physical therapy, and 4000 home health aide covered visits to Medicare beneficiaries during its 12-month cost reporting period beginning July 1, 1984.

The aggregate cost limit would be determined as follows:

Type of visit	Visits	Nonlabor portion	Adjusted labor portion	Adjusted limit	Aggregate limit
Skilled nursing	5,000	$11.55	$54.59	$66.14	$330,700
Physical therapy	2,000	11.00	51.63	62.63	125,260
Home health aide	4,000	7.79	36.63	44.42	177,680
Aggregate cost limit					634,140

Before the limits are applied at cost settlement, the provider's actual costs will be reduced by the amount of individual items of cost (for example, administrative compensation, or contract services or both) that are found to be excessive under Medicare principles of provider reimbursement. In this regard, the intermediaries will review the various reported costs against such screens as the cost guidelines for physical therapy under arrangements (see § 405.432) and against the limitation on costs that are substantially out of line with those of comparable agencies (see § 405.451). The provider's cost will also be reduced by the amount of reimbursable costs that are not included in the limitation amount (for example, medical appliances).

TABLE I.—PER VISIT LIMITS FOR HHAS[1]

Type of visit	Limit	Labor portion	Nonlabor portion
MSA (NECMA) location:			
Skilled nursing care	$53.54	$41.99	$11.55
Physical therapy	50.91	39.91	11.00
Speech pathology	56.88	44.42	12.46
Occupational therapy	54.76	42.82	11.94
Medical social services	85.01	66.17	18.84
Home health aide	35.97	28.18	7.79
Non-MSA (non-NECMA) location:			
Skilled nursing care	62.15	50.99	11.16
Physical therapy	61.26	50.17	11.09
Speech pathology	71.47	58.33	13.14
Occupational therapy	73.23	59.71	13.52
Medical social services	89.18	73.14	16.04
Home health aide	39.87	32.64	7.23

[1] Nonlabor component of limits for HHAs located in Alaska, Hawaii, Puerto Rico, and the Virgin Islands will be increased by multiplying them by the following cost-of-living adjustment factors:

Location	Adjustment factor
Alaska:	
All localities	1.250
Hawaii:	
Oahu	1.200
Kauai	1.175
Maui and Lanai	1.200
Molokai	1.200
Hawaii (island)	1.100
Puerto Rico	1.100
Virgin Islands:	
St. Croix	1.100
St. Thomas and St. John	1.100

TABLE II.—ADD-ON AMOUNTS FOR HOSPITAL-BASED HHAS

	A&G Add-on	Labor portion	Nonlabor portion
MSA (NECMA) location:			
Skilled nursing care	$7.49	$5.70	$1.79
Physical therapy	6.17	4.81	1.36
Speech pathology	7.13	5.47	1.66
Occupational therapy	6.45	5.01	1.44
Medical social services	9.08	6.96	2.12
Home health aide	5.83	4.50	1.33
Non-MSA (non-NECMA) location:			
Skilled nursing care	7.55	6.19	1.36
Physical therapy	7.55	6.19	1.36
Speech pathology	7.23	5.85	1.38
Occupational therapy	7.31	5.92	1.39
Medical social services	10.08	8.23	1.85
Home health aide	5.33	4.37	.96

Examples

A hospital-based agency in New York City has a wage index of 1.3736. It provides the following services:

Skilled Nursing (SN) 3370 Visits
Physical Therapy (PT) 1290 Visits
Home Health Aides (HHA) 2111 Visits

The aggregate limit for that agency is calculated as follows:

	Limit		Add-on	
	Labor portion	Nonlabor portion	Labor portion	Nonlabor portion
SN	$41.99	$11.55	$5.70	$1.79
PT	39.91	11.00	4.81	1.36
HHA	28.18	7.79	4.50	1.33

Calculation of Limit

To calculate the limit multiply the labor portion by the wage index and add the nonlabor portion:

SN—$41.99 × 1.3736 = $57.68 + $11.55 = $69.23

PT—$39.91 × 1.3736 = $54.82 + $11.00 = $65.82

HHA—$28.18 × 1.3736 = $38.71 + $7.79 = $46.50

Calculation of A & G Add-On Amount

To calculate the A & G add-on amount, multiply the labor portion by the wage index and add the nonlabor portion:

SN—$5.70 × 1.3736 = $7.83 + $1.79 = $9.62

PT—$4.81 × 1.3736 = $6.61 + $1.36 = $7.97

HHA—$4.50 × 1.3736 = $6.18 + $1.33 = $7.51

Competition of Aggregate Limit

The limit and the A & G add-on for each discipline are totaled and multiplied by the number of visits for that discipline. These results are added to determine the aggregate limit:

	Limit	A&G add-on	Total	Visits	Allowable costs
SN	$69.23	$9.62	$78.85	3,370	$265,725
PT	65.82	7.97	73.79	1,290	95,189
HHA	46.50	7.51	54.01	2,111	114,015
Aggregate limit					$474,929

TABLE III A.—WAGE INDEX FOR URBAN AREAS

MSA area	Wage index
Abilene, TX	0.9468
Aguadilla, PR	.4907
Akron, OH	1.0796
Albany, GA	*.8969
Albany-Schenectady-Troy, NY	.8976
Albuquerque, NM	1.0641
Alexandria, LA	.9792
Allentown-Bethlehem, PA-NJ	1.0578
Alton-Granite City, IL	.9775
Altoona, PA	1.0308
Amarillo, TX	.9752
Anaheim-Santa Ana, CA	1.2516
Anchorage, AK	1.5538
Anderson, IN	1.0221
Anderson, SC	.8797
Ann Arbor, MI	1.2159
Anniston, AL	.8675
Appleton-Oshkosh-Neenah, WI	.9719
Arecibo, PR	.5987
Asheville, NC	.9577
Athens, GA	.8868
Atlanta, GA	.9468
Atlantic City, NJ	1.0710
Augusta, GA-SC	.9670
Aurora-Elgin, IL	1.0014
Austin, TX	1.0714
Bakersfield, CA	1.2342
Baltimore, MD	1.1006
Bangor, ME	.9325
Baton Rouge, LA	1.0233
Battle Creek, MI	1.0661
Beaumont-Port Arthur, TX	.9931
Beaver County, PA	1.0928
Bellingham, WA	*1.0366
Benton Harbor, MI	.8784
Bergen-Passau, NJ	1.0349
Billings, MT	*.9703
Biloxi-Gulfport, MS	.8760
Binghamton, NY	.9581
Birmingham, AL	1.0105
Bismarck, ND	1.0158
Bloomington-Normal, IL	*1.0175
Bloomington, IN	*.9342
Boise City, ID	1.0817
Boston-Lowell-Brockton-Lawrence-Sal, MA-NH	1.1012
Boulder-Longmont, CO	1.0040
Bradenton, FL	*.9252
Brazoria, TX	.8458
Bremerton, WA	*.9042
Bridgeport-Stamford-Norwalk-Danbury, CT	1.1639
Brownsville-Harlingen, TX	.9270
Bryan-College Station, TX	.9130
Buffalo, NY	.9844
Burlington, NC	.8529
Burlington, VT	*.9711
Caguas, PR	.5388
Canton, OH	.9854
Casper, WY	*1.0197
Cedar Rapids, IA	.9433
Champaign-Urbana-Rantoul, IL	1.0304
Charleston, SC	1.0321
Charleston, WV	1.1037
Charlotte-Gastonia-Rock Hill, NC-SC	.9832
Charlottesville, VA	1.3000
Chattanooga, TN-GA	.9756
Chicago, IL	1.2336
Chico, CA	1.0619
Cincinnati, OH-KY-IN	1.0625
Clarksville-Hopkinsville, TN-KY	.8390
Cleveland, OH	1.2098
Colorado Springs, CO	1.1132
Columbia, MO	1.1422
Columbia, SC	.9658
Columbus, GA-AL	.9252
Columbus, OH	1.0483
Corpus Christi, TX	.9703
Cumberland, MD-WV	.9147
Dallas, TX	1.0850
Danville, VA	*.8759
Davenport-Rock Island-Moline, IA-IL	.9895
Dayton, Springfield, OH	1.1181
Daytona Beach, FL	.9749
Decatur, IL	*.9854
Denver, CO	1.2170
Des Moines, IA	1.0770
Detroit, MI	1.2061
Dothan, AL	.8899
Dubuque, IA	1.0340
Duluth, MN-WI	.9219
East St. Louis-Belleville, IL	.9543
Eau Claire, WI	.9624
El Paso, TX	.9043
Elkhart-Goshin, IN	*.8976
Elmira, NY	1.0316
Enid, OK	.9070
Erie, PA	.9984
Eugene-Springfield, OR	.9939
Evansville, IN-KY	1.0327
Fargo-Moorhead, ND-MN	1.0109
Fayetteville, NC	*.9379
Fayetteville-Springdale, AR	.8355
Flint, MI	1.1590
Florence, AL	.8135
Florence, SC	.8118
Fort Collins-Loveland, CO	.9332
Fort Lauderdale-Hollywood-Pompano, FL	1.1169
Fort Myers, FL	.9295
Fort Pierce, FL	1.0000
Fort Smith, AR	.9761
Fort Walton Beach, FL	*.7918
Fort Wayne, IN	.9422
Fort Worth-Arlington, TX	.9903
Fresno, CA	1.2020
Gadsden, AL	.9288
Gainesville, FL	.9765
Galveston-Texas City, TX	1.1890
Gary-Hammond, IN	1.1484
Glens Falls, NY	.8864
Grand Forks, ND	.9950
Grand Rapids, MI	1.0041
Great Falls, MT	*1.0340
Greeley, CO	*1.0870
Green Bay, WI	.9860
Greensboro-Winston-Salem-High Point, NC	.9633
Greenville-Spartanburg, SC	.9529
Hagerstown, MD	.9711
Hamilton-Middletown, OH	1.0495
Harrisburg-Lebanon-Carlise, PA	1.0416
Hartford-Middleton-New Britain-Bristol, CT	1.0791
Hickory, NC	.9558
Honolulu, HI	1.1537
Houma-Thibodaux, LA	.9842
Houston, TX	1.1184
Huntington-Ashland, WV-KY-OH	.9907
Huntsville, AL	.9042
Indianapolis, IN	1.0870
Iowa City, IA	1.1489
Jackson, MI	*1.0315
Jackson, MS	.9163
Jacksonville, FL	.9971
Jacksonville, NC	*.8878
Janesville-Beloit, WI	.9093
Jersey City, NJ	1.0976
Johnson City-Kingsport-Bristol, TN-VA	.9293
Johnstown, PA	1.0343
Joliet, IL	1.1111
Joplin, MO	.9634
Kalamazoo, MI	1.2340
Kankakee, IL	.9196
Kansas City, KS	.9841
Kansas City, MO	.9968
Kenosha, WI	*1.0625
Killeen-Temple, TX	.9457
Knoxville, TN	.9218
Kokomo, IN	1.0175
LaCrosse, WI	*.9617
Lafayette, LA	1.0221
Lafayette, IN	.9312
Lake Charles, LA	.9999
Lake County, IL	1.1147
Lakeland-Winter Haven, FL	.9330
Lancaster, PA	1.0432
Lansing-East Lansing, MI	1.0575
Laredo, TX	*.8610
Las Cruces, NM	*.8504
Las Vegas, NV	1.2260
Lawrence, KS	*.9832
Lawton, OK	*.9330
Lewiston-Auburn, ME	*.9230
Lexington-Fayette, KY	.9630
Lima, OH	1.0045
Lincoln, NE	.8759
Little Rock-North Little Rock, AR	1.0242
Longview-Marshall, TX	.9610
Lorain-Elyria, OH	1.0610
Los Angeles-Long Beach, CA	1.3112
Louisville, KY-IN	1.0917
Lubbock, TX	1.0145
Lynchburg, VA	.9294
Macon-Warner-Robins, GA	.9907
Madison, WI	1.1403
Manchester-Nashua, NH	.9213
Mansfield, OH	.9230
Mayaguez, PR	.6203
McAllen-Edinburg-Mission, TX	.8504
Medford, OR	.9909
Melbourne-Titusville, FL	.9397
Memphis, TN-AR-MS	1.0828
Miami-Hialeah, FL	1.1558
Middlesex-Somerset-Hunterdon, NJ	1.0694
Midland, TX	1.0845
Milwaukee, WI	1.0501
Minneapolis-St. Paul, MN-WI	1.0330
Mobile, AL	.9084
Modesto, CA	1.0857
Monmouth-Ocean, NJ	.9919
Monroe, LA	.9605
Montgomery, AL	.9782
Muncie, IN	*.9749
Muskegon, MI	.9379
Nashville, TN	1.2028
Nassau-Suffolk, NY	1.2162
New Bedford-Fall River-Attleboro, MA	.9718
New Haven-Westhaven-Waterbury-Meriden, CT	1.0728
New London-Norwich, CT	1.0729
New Orleans, LA	1.0194
New York, NY	1.3738
Newark, NJ	1.1353
Niagara Falls, NY	.8791
Norfolk-Virginia Beach-Newport News, VA	.9840
Oakland, CA	1.2688
Ocala, FL	*.9688
Odessa, TX	*.9775
Oklahoma City, OK	1.0584
Olympia, WA	*1.0625
Omaha, NE-IA	.9052
Orange County, NY	1.0119
Orlando, FL	1.0204
Owensboro, KY	*.8878
Oxnard-Ventura, CA	1.2056
Panama City, FL	*.9090
Parkersburg-Marietta, WV-OH	1.0010
Pascagoula, MS	*1.0175
Pensacola, FL	.9163
Peoria, IL	1.1357
Philadelphia, PA-NJ	1.1828
Phoenix, AZ	1.1186
Pine Bluff, AR	*.8825
Pittsburgh, PA	1.1453
Pittsfield, MA	.9872
Ponce, PR	.7637
Portland, ME	.9996
Portland, OR	1.1259
Portsmouth-Dover-Rochester, NH	.8504
Poughkeepsie, NY	1.0982
Providence-Pawtucket-Woonsocket, RI	.9932
Provo-Orem, UT	.9526
Pueblo, CO	1.1666
Racine, WI	1.0203
Raleigh-Durham, NC	1.0197
Reading, PA	1.0345
Redding, CA	1.0604
Reno, NV	1.3063
Richland-Kennewick, WA	.9603
Richmond-Petersburg, VA	.9353
Riverside-San Bernardino, CA	1.1621
Roanoke, VA	1.0077
Rochester, MN	1.0315
Rochester, NY	1.0438
Rockford, IL	1.0492
Sacramento, CA	1.1620
Saginaw-Bay City-Midland, MI	1.1013
St. Cloud, MN	.8857
St. Joseph, MO	.9933
St. Louis, MO-IL	1.0778
Salem, OR	1.0642

TABLE III A.—WAGE INDEX FOR URBAN AREAS—Continued

MSA area	Wage index
Salinas-Seaside-Monterey, CA	1.2837
Salt Lake City-Ogden, UT	.9725
San Angelo, TX	.9342
San Antonio, TX	1.05070
San Diego, CA	1.1965
San Francisco, CA	1.4055
San Jose, CA	1.3029
San Juan, PR	.6640
Santa Barbara-Santa Maria-Lompoc, CA	1.1181
Santa Cruz, CA	1.1452
Santa Rosa-Petaluma, CA	1.1901
Sarasota, FL	.9937
Savannah, GA	.9578
Scranton-Wilkes-Barre, PA	.9818
Seattle, WA	1.0944
Sharon, PA	.9716
Sheboygan, WI	.8641
Sherman-Denison, TX	.9067
Shreveport, LA	1.0717
Sioux City, IA-NE	1.0382
Sioux Falls, SD	.9502
South Bend-Mishawaka, IN	.9791
Spokane, WA	1.1257
Springfield, IL	1.1483
Springfield, MO	.9593
Springfield, MA	.9932
State College, PA	*1.0604
Steubenville-Weirton, OH-WV	.9819
Stockton, CA	1.1714
Syracuse, NY	1.4641
Tacoma, WA	1.0505
Tallahasese, FL	.9324
Tampa-St. Petersburg-Clearwater, FL	1.0041
Terre Haute, IN	.8878
Texarkana TX-AR	1.1168
Toledo, OH	1.1396
Topeka, KS	1.1195
Trenton, NJ	1.0446
Tucson, AZ	1.0220
Tulsa, OK	1.0467
Tuscaloosa, AL	1.0245
Tyler, TX	1.0096
Utica-Rome, NY	.9405
Vallejo-Fairfield-Napa, CA	1.3370
Vancouver, WA	*1.0892
Victoria, TX	.8684
Vineland-Millville-Bridgeton, NJ	.9553
Visalia-Tulare-Portervills, CA	1.1420
Waco, TX	.8378
Washington, DC-MD-VA	1.1668
Waterloo-Cedar Falls, IA	.9152
Wausau, WI	*.9502
West Palm Beach-Boca Raton-Delray, FL	1.0068
Wheeling, WV-OH	.9838
Wichita, KS	1.1278
Wichita, Falls, TX	.8769
Williamsport, PA	1.0322
Wilmington, DE-NJ-MD	1.0956
Wilmington, NC	.9067
Worcester-Fitchburg-Leominster, MA	.9826
Yakima, WA	1.0096
York, PA	1.0366
Youngstown-Warren, OH	1.1103
Yuba City, CA	1.0892

*Approximate value for area.

TABLE III B.—WAGE INDEX FOR RURAL AREAS

Non-MSA area	Wage index
Alabama	.7836
Alaska	1.4496
Arizona	.9001
Arkansas	.7855
California	1.0179
Colorado	.8383
Connecticut	1.0185
Delaware	.9067
Florida	.8369
Georgia	.8548
Hawaii	1.1839
Idaho	.9054
Illinois	.8776
Indiana	.8776
Iowa	.8222
Kansas	.8182
Kentucky	.8201
Louisiana	.8388

TABLE III B.—WAGE INDEX FOR RURAL AREAS—Continued

Non-MSA area	Wage index
Maine	.8712
Maryland	.9999
Massachusetts	.9768
Michigan	.9545
Minnesota	.8933
Mississippi	.8568
Missouri	.8345
Montana	.8762
Nebraska	.7483
Nevada	1.0237
New Hampshire	1.0125
New Mexico	.9347
New York	.8768
North Carolina	.8554
North Dakota	.8374
Ohio	.9196
Oklahoma	.8649
Oregon	.9617
Pennsylvania	1.0089
Puerto Rico	.6179
Rhode Island	*1.0892
South Carolina	.8134
South Dakota	.7918
Tennessee	.7321
Texas	.8167
Utah	.8275
Vermont	.8325
Virginia	.8569
Washington	.9552
West Virginia	.9235
Wisconsin	.8536
Wyoming	.9599

*Approximate value for area.

TABLE IV—COST REPORTING YEAR ADJUSTMENT FACTORS [1]

If the HHA cost reporting period begins:	The adjustment factor is
Aug. 1, 1984	1.0053
Sept. 1, 1984	1.0107
Oct. 1, 1984	1.0160
Nov. 1, 1984	1.0213
Dec. 1, 1984	1.0267
Jan. 1, 1985	1.0320
Feb. 1, 1985	1.0380
Mar. 1, 1985	1.0440
Apr. 1, 1985	1.0500
May 1, 1985	1.0560
June 1, 1985	1.0620

[1] Based on projected market basket inflation rates of 6.4 percent for 1985 and 7.2 percent for 1986. These adjustment factors are subject to change based on later estimates of cost increases. We will publish a new notice of limits effective July 1, 1985.

Chart I—MSA/NECMA Areas and Constituent Counties

MSA/NECMA Area

Abilene, TX
- Taylor, TX

Aguadilla, PR
- Aguada
- Aguadilla
- Isabella
- Moca

Akron, OH
- Portage, OH
- Summit, OH

Albany, GA
- Dougherty, GA
- Lee, GA

Albany-Schenectady-Troy, NY
- Albany, NY
- Greene, NY
- Montgomery, NY
- Rensselaer, NY
- Saratoga, NY
- Schenectady, NY

Albuquerque, NM
- Bernalillo, NM

Alexandria, LA
- Rapides, LA

Allentown-Bethlehem, PA-NJ
- Warren, NJ
- Carbon, PA
- Lehigh, PA
- Northampton, PA

Alton-Granite City, IL
- Jersey, IL
- Madison, IL

Altoona, PA
- Blair, PA

Amarillo, TX
- Potter, TX
- Randall, TX

Anaheim-Santa Ana, CA
- Orange, CA

Anchorage, AK
- Anchorage, AK

Anderson, IN
- Madison, IN

Anderson, SC
- Anderson, SC

Ann Arbor, MI
- Washtenaw, MI

Anniston, AL
- Calhoun, AL

Appleton-Oshkosh-Neenah, WI
- Calumet, WI
- Outagamie, WI
- Winnebago, WI

Arecibo, P.R.
- Arecibo
- Camuy
- Hatillo
- Quebradillas

Asheville, NC
- Buncombe, NC

Athens, GA
- Clarke, GA
- Jackson, GA
- Madison, GA
- Oconee, GA

Atlanta, GA
- Barrow, GA
- Butts, GA
- Cherokee, GA
- Clayton, GA
- Cobb, GA
- Coweta, GA
- De Kalb, GA
- Douglas, GA
- Fayette, GA
- Forsyth, GA
- Fulton, GA
- Gwinnett, GA
- Henry, GA
- Newton, GA
- Paulding, GA
- Rockdale, GA
- Spalding, GA
- Walton, GA

Atlantic City, NJ
- Atlantic, NJ
- Cape May, NJ

Augusta, GA-SC
- Columbia, GA
- McDuffie, GA
- Richmond, GA
- Aiken, SC

Aurora-Elgin, IL
- Kane, IL

Kendall, IL
Austin, TX
Hays, TX
Travis, TX
Williamson, TX
Bakersfield, CA
Kern, CA
Baltimore, MD
Anne Arundel, MD
Baltimore, MD
Baltimore City, MD
Carroll, MD
Harford, MD
Howard, MD
Queen Annes, MD
Bangor, ME
Penobscot, ME
Baton Rouge, LA
Ascension, LA
East Baton Rouge, LA
Livingston, LA
West Baton Rouge, LA
Battel Creek, MI
Calhoun, MI
Beaumont-Port Arthur, TX
Hardin, TX
Jefferson, TX
Orange, TX
Beaver County, PA
Beaver, PA
Bellingham, WA
Whatcom, WA
Benton Harbor, MI
Berrien, MI
Bergen-Passaic, NJ
Bergen, NJ
Passaic, NJ
Billings, MT
Yellowstone, MT
Biloxi-Gulfport, MS
Hancock, MS
Harrison, MS
Binghamton, NY
Broome, NY
Tioga, NY
Birmingham, AL
Blount, AL
Jefferson, AL
Saint Clair, AL
Shelby, AL
Walker, AL
Bismarck, ND
Burleigh, ND
Morton, ND
Bloomington, IN
Monroe, IN
Bloomington-Normal, IL
Mclean, IL
Boise City, ID
Ada, ID
Boston-Lawrence-Salem-Lowell-Brockton, MA
Essex, MA
Middlesex, MA
Norfolk, MA
Plymouth, MA
Suffolk, MA
Boulder-Longmont, CO
Boulder, CO
Bradenton, FL
Manatee, FL
Brazoria, TX
Brazoria, TX
Bremerton, WA
Kitsap, WA
Bridgeport-Stamford-Norwalk-Danbury, CT
Fairfield, CT
Brownsville-Harlingen, TX
Cameron, TX
Bryan-College Station, TX
Brazos, TX
Buffalo, NY
Erie, NY
Burlington, NC
Alamance, NC
Burlington, VT
Chittenden, VT
Grand Isle, VT
Caguas, PR
Caguas
Gurabo
San Lorenz
Aguas Buenas
Cayey
Cidra
Canton, OH
Carroll, OH
Stark, OH
Casper, WY
Natrona, WY
Cedar Rapids, IA
Linn, IA
Champaign-Urbana-Rantoul, IL
Champaign, IL
Charleston, SC
Berkeley, SC
Charleston, SC
Dorchester, SC
Charleston, WV
Kanawha, WV
Putnam, WV
Charlotte-Gastonia-Rock Hill, NC-SC
Cabarrus, NC
Gaston, NC
Lincoln, NC
Mecklenburg, NC
Rowan, NC
Union, NC
York, SC
Charlottesville, VA
Albermarle, VA
Charlottesville City, VA
Fluvanna, VA
Greene, VA
Chattanooga, TN-GA
Catoosa, GA
Dade, GA
Walker, GA
Hamilton, TN
Marion, TN
Sequatchie, TN
Chicago, IL
Cook, IL
Du Page, IL
McHenry, IL
Chico, CA
Butte, CA
Cincinnati, OH-KY-IN
Dearborn, IN
Boone, KY
Campbell, KY
Kenton, KY
Clermont, OH
Hamilton, OH
Warren, OH
Clarksville-Hopkinsville, TN-KY
Christian, KY
Montgomery, TN
Cleveland, OH
Cuyahoga, OH
Geauga, OH
Lake, OH
Medina, OH
Colorado Springs, CO
El Paso, CO
Columbia, MO
Boone, MO
Columbia, SC
Lexington, SC
Richland, SC
Columbus, GA-AL
Russell, AL
Chattahoochee, GA
Muscogee, GA
Columbus, OH
Delaware, OH
Fairfield, OH
Franklin, OH
Licking, OH
Madison, OH
Pickaway, OH
Union, OH
Corpus Christi, TX
Nueces, TX
San Patricio, TX
Cumberland, MD-W VA
Allegeny, MD
Mineral, WV
Dallas, TX
Collin, TX
Dallas, TX
Denton, TX
Ellis, TX
Kaufman, TX
Rockwall, TX
Danville, VA
Danville City, Va
Pittsylvania, VA
Davenport-Rock Island-Moline, IA-IL
Scott, IA
Henry, IL
Rock Island, IL
Dayton-Springfield, OH
Clark, OH
Greene, OH
Miami, OH
Montgomery, OH
Daytona Beach, FL
Volusia, FL
Decatur, IL
Macon, IL
Denver, CO
Adams, CO
Arapahoe, CO
Denver, CO
Douglas, CO
Jefferson, CO
Des Moines, IA
Dallas IA
Polk, IA
Warren, IA
Detroit, MI
Lapeer, MI
Livingston, MI
Macomb, MI
Monroe, MI
Oakland, MI
Saint Clair, MI
Wayne, MI
Dothan, Al
Dale, AL
Houston, Al
Dubuque, IA
Dubuque, IA
Duluth, MN-WI
St Louis, MN
Douglas, WI

East St Louis-Belleville, IL
Clinton, IL
St Clair, IL
Eau Claire, WI
Chippewa, WI
Eau Claire, WI
El Paso, TX
El Paso, TX
Elkhart-Goshen, IN
Elkhart, IN
Elmira, NY
Chemung, NY
Enid, OK
Garfield, OK
Erie, PA
Erie, PA
Eugene-Springfield, OR
Lane, OR
Evansville, IN-KY
Posey, IN
Vanderburgh, IN
Warrick, IN
Henderson, KY
Fargo-Moorhead, ND-MN
Clay, MN
Cass, ND
Fayetteville, NC*
Cumberland, NC
Fayetteville-Springdale, AR
Washington, AR
Flint, MI
Genesee, MI
Florence, AL
Colbert, AL
Lauderdale, AL
Florence, SC
Florence, SC
Fort Collins-Loveland, CO
Larimer, CO
Fort Lauderdale-Hollywood-Pompano Beach, FL
Broward, FL
Fort Myers, FL
Lee, FL
Fort Pierce, FL
Martin, FL
St Lucie, FL
Fort Smith, AR-OK
Crawford, AR
Sebastian, AR
Sequoyah, OK
Fort Walton Beach, FL
Okaloosa, FL
Fort Wayne, IN
Allen, IN
De Kalb, IN
Whitley, IN
Fort Worth-Arlington, TX
Johnson, TX
Parker, TX
Tarrant, TX
Fresno, CA
Fresno, CA
Gadsden, AL
Etowah, AL
Gainesville, FL
Alachua, FL
Bradford, FL
Galveston-Texas City, TX
Galveston, TX
Gary-Hammond, TX
Lake, IN
Porter, IN
Glens Falls, NY
Warren, NY
Washington, NY
Grand Forks, ND
Grand Forks, ND
Grand Rapids, MI
Kent, MI
Ottawa, MI
Great Falls, MT
Cascade, MT
Greeley, CO
Weld, CO
Green Bay, WI
Brown, WI
Greensboro-Winston-Salem-High Point, NC
Davidson, NC
Davie, NC
Forsyth, NC
Guilford, NC
Randolph, NC
Stokes, NC
Yadkin, NC
Greenville-Spartanburg, SC
Greenville, SC
Pickens, SC
Spartanburg, SC
Hagerstown, MD
Washington, MD
Hamilton-Middletown, OH
Butler, OH
Harrisburg-Lebanon-Carlise, PA
Cumberland, PA
Dauphin, PA
Lebanon, PA
Perry, PA
Hartford-New Middletown-Britain-Bristol, CT
Hartford, CT
Middlesex, CT
Tolland, CT
Hickory, NC
Alexander, NC
Burke, NC
Catawba, NC
Honolulu, HI
Honolulu, HI
Houma-Thibodaux, LA
Lafourche, LA
Terrebonne, LA
Houston, TX
Fort Bend, TX
Harris, TX
Liberty, TX
Montgomery, TX
Waller, TX
Huntington-Ashland, WV-KY-OH
Boyd, KY
Carter, KY
Greenup, KY
Lawrence, OH
Cabell, WV
Wayne, WV
Huntsville, AL
Madison, AL
Indianapolis, IN
Boone, IN
Hamilton, IN
Hancock, IN
Hendricks, IN
Johnson, IN
Marion, IN
Morgan, IN
Shelby, IN
Iowa City, IA
Johnson, IA
Jackson, MI
Jackson, MI
Jackson, MS
Hinds, MS
Madison, MS
Rankin, MS
Jacksonville, FL
Clay, FL
Duval, FL
Nassau, FL
St Johns, FL
Jacksonville, NC
Onslow, NC
Janesville-Beloit, WI
Rock, WI
Jersey City, NJ
Hudson, NJ
Johnson City-Kingsport-Bristol, TN-VA
Carter, TN
Hawkins, TN
Sullivan, TN
Unicoi, TN
Washington, TN
Bristol City, VA
Scott, VA
Washington, VA
Johnstown, PA
Cambria, PA
Somerset, PA
Joliet, IL
Grundy, IL
Will, IL
Joplin, MO
Jasper, MO
Newton, MO
Kalamazoo, MI
Kalamazoo, MI
Kankakee, IL
Kankakee, IL
Kansas City, KS
Johnson, KS
Leavenworth, KS
Miami, KS
Wyandotte, KS
Kansas City, MO
Cass, MO
Clay, MO
Jackson, MO
Lafayette, MO
Platte, MO
Ray, MO
Kenosha, WI
Kenosha, WI
Killeen-Temple, TX
Bell, TX
Coryell, TX
Knoxville, TN
Anderson, TN
Blount, TN
Grainger, TN
Jefferson, TN
Knox, TN
Sevier, TN
Union, TN
Kokomo, IN
Howard, IN
Tipton, IN
LaCrosse, WI
LaCrosse, WI
Lafayette, LA
Lafayette, LA
St Martin, LA
Lafayette, IN
Tippecanoe, IN
Lake Charles, LA
Calcasieu, LA
Lake County, IL
Lake, IL
Lakeland-Winter Haven, FL
Polk, FL

Lancaster, PA
Lancaster, PA
Lansing-East Lansing, MI
Clinton, MI
Eaton, MI
Ingham, MI
Laredo, TX
Webb, TX
Las Cruces, NM
Dona Ana, NM
Las Vegas, NV
Clark, NV
Lawrence, KS
Douglas, KS
Lawton, OK
Comanche, OK
Lewiston-Auburn, ME
Androscoggin, ME
Lexington-Fayette, KY
Bourbon, KY
Clark, KY
Fayette, KY
Jessamine, KY
Scott, KY
Woodford, KY
Lima, OH
Allen, OH
Auglaize, OH
Lincoln, NE
Lancaster, NE
Little Rock-North Little Rock, AR
Faulkner, AR
Lonoke, AR
Pulaski, AR
Saline, AR
Longview-Marshall, TX
Gregg, TX
Harrison, TX
Lorain-Elyria, OH
Lorain, OH
Los Angeles-Long Beach, CA
Los Angeles, CA
Louisville, KY-IN
Clark, IN
Floyd, IN
Harrison, IN
Bullitt, KY
Jefferson, KY
Oldham, KY
Shelby, KY
Lubbock, TX
Lubbock, TX
Lynchburgh, VA
Amherst, VA
Campbell, VA
Lynchburg City, VA
Macon-Warner Robins, GA
Bibb, GA
Houston, GA
Jones, GA
Peach, GA
Madison, WI
Dane, WI
Manchester-Nashua, NH
Hillsboro, NH
Mansfield, OH
Richland, OH
Mayaguez, PR
Anasco
Cabo Rojo
Hormigueros
Mayaguez
San German
McAllen-Edinburg-Mission, TX
Hidalgo, TX
Medford, OR
Jackson, OR
Melbourne-Titusville-Palm Bay, FL
Brevard, FL
Memphis, TN-AR-MS
Crittenden, AR
De Soto, MS
Shelby, TN
Tipton, TN
Miami-Hialeah, FL
Dade, FL
Middlesex-Somerset-Hunterdon, NJ
Hunterdon, NJ
Middlesex, NJ
Somerset, NJ
Midland, TX
Midland, TX
Milwaukee, WI
Milwaukee, WI
Ozaukee, WI
Washington, WI
Waukesha, WI
Minneapolis-St Paul, MN-WI
Anoka, MN
Carver, MN
Chisago, MN
Dakota, MN
Hennepin, MN
Isanti, MN
Ramsey, MN
Scott, MN
Washington, MN
Wright, MN
St Croix, WI
Mobile, AL
Baldwin, AL
Mobile, AL
Modesto, CA
Stanislaus, CA
Monmouth-Ocean, NJ
Monmouth, NJ
Ocean, NJ
Monroe, LA
Quachita, LA
Montgomery, AL
Autauga, AL
Elmore, AL
Montgomery
Muncie, IN
Delaware, IN
Muskegon, MI
Muskegon, MI
Nashville, TN
Cheatham, TN
Davidson, TN
Dickson, TN
Robertson, TN
Rutherford, TN
Sumner, TN
Williamson, TN
Wilson, TN
Nassau-Suffolk, NY
Nassau, NY
Suffolk, NY
New Bedford-Fall River-Attleboro, MA
Bristol, MA
New Haven-Waterbury-Meriden, CT
New Haven, CT
New London-Norwich, CT
New London, CT
New Orleans, LA
Jefferson, LA
Orleans, LA
St Bernard, LA
St Charles, LA
St John The Baptist, LA
St Tammany, LA
New York, NY
Bronx, NY
Kings, NY
New York City, NY
Putnam, NY
Queens, NY
Richmond, NY
Rockland, NY
Westchester, NY
Newark, NJ
Essex, NJ
Morris, NJ
Sussex, NJ
Union, NJ
Niagara Falls, NY
Niagara, NY
Norfolk-Virginia Beach-Newport News, VA
Chesapeake City, VA
Gloucester, VA
Hampton City, VA
James City Co, VA
Newport News City, VA
Norfolk City, VA
Poquoson City, VA
Portsmouth City, VA
Suffolk City, VA
Virginia Beach City, VA
Williamsburg City, VA
York, VA
Oakland, CA
Alameda, CA
Contra Costa, CA
Ocala, FL
Marion, FL
Odessa, TX
Ector, TX
Oklahoma City, OK
Canadian, OK
Cleveland, OK
Logan, OK
McClain, OK
Oklahoma, OK
Pottawatomie, OK
Olympia, WA
Thurston, WA
Omaha, NE-IA
Pottawattamie, IA
Douglas, NE
Sarpy, NE
Washington, NE
Orange County, NY
Orange, NY
Orlando, FL
Orange, FL
Osceola, FL
Seminole, FL
Owensboro, KY
Daviess, KY
Oxnard-Ventura, CA
Ventura, CA
Panama City, FL
Bay, FL
Parkersburg-Marietta, WV-OH
Washington, OH
Wood, WV
Pascagoula, MS
Jackson, MS
Pensacola, FL
Escambia, FL
Santa Rosa, FL
Peoria, IL
Peoria, IL
Tazewell, IL
Woodford, IL
Philadelphia, PA-NJ

Burlington, NJ
Camden, NJ
Gloucester, NJ
Bucks, PA
Chester, PA
Delaware, PA
Montgomery, PA
Philadelphia, PA
Phoenix, AZ
Maricopa, AZ
Pine Bluff, AR
Jefferson, AR
Pittsburgh, PA
Allegheny, PA
Fayette, PA
Washington, PA
Westmoreland, PA
Pittsfield, MA
Berkshire, MA
Ponce, PR
Juana Diaz
Ponce
Portland, ME
Cumberland, ME
Portland, OR
Clackamas, OR
Multnomah, OR
Washington, OR
Yamhill, OR
Portsmouth-Dover-Rochester, NH
Rockingham, NH
Strafford, NH
Poughkeepsie, NY
Dutchess, NY
Providence-Pawtucket-Woonsocket, RI
Bristol, RI
Kent, RI
Providence, RI
Washington, RI
Provo-Orem, UT
Utah, UT
Pueblo, CO
Pueblo, CO
Racine, WI
Racine, WI
Raleigh-Durham, NC
Durham, NC
Franklin, NC
Orange, NC
Wake, NC
Reading, PA
Berks, PA
Redding, CA
Shasta, CA
Reno, NV
Washoe, NV
Richland, Kennewick-Pasco, WA
Benton, WA
Franklin, WA
Richmond-Petersburg, VA
Charles City Co., VA
Chesterfield, VA
Colonial Heights City, VA
Dinwiddie, VA
Goochland, VA
Hanover, VA
Henrico, VA
Hopewell City, VA
New Kent, VA
Petersburg City, VA
Powhatan, VA
Prince George, VA
Richmond City, VA
Riverside-San Bernardino, CA
Riverside, CA
San Bernardino, CA
Roanoke, VA
Botetourt, VA
Roanoke, VA
Roanoke City, VA
Salem City, VA
Rochester, MN
Olmsted, MN
Rochester, NY
Livingston, NY
Monroe, NY
Ontario, NY
Orleans, NY
Wayne, NY
Rockford, IL
Boone, IL
Winnebago, IL
Sacramento, CA
Eldorado, CA
Placer, CA
Sacramento, CA
Yolo, CA
Saginaw-Bay City-Midland, MI
Bay, MI
Midland, MI
Saginaw, MI
St. Cloud, MN
Benton, MN
Sherburne, MN
Stearns, MN
St. Joseph, MO
Buchanan, MO
St. Louis, MO–IL
Monroe, IL
Franklin, MO
Jefferson, MO
St. Charles, MO
St. Louis, MO
St. Louis City, MO
Salem, OR
Marion, OR
Polk, OR
Salinas-Seaside-Monterey, CA
Monterey, CA
Salt Lake City-Ogden, UT
Davis, UT
Salt Lake, UT
Weber, UT
San Angelo, TX
Tom Green, TX
San Antonio, TX
Bexar, TX
Comal, TX
Guadalupe, TX
San Diego, CA
San Diego, CA
San Francisco, CA
Marin, CA
San Francisco, CA
San Mateo, CA
San Jose, CA
Santa Clara, CA
San Juan, PR
Barceloneta
Bayoman
Canovanas
Carolina
Catano
Corozal
Dorado
Fajardo
Florida
Guaynabo
Humacao
Juncos
Los Piedras
Loiza
Luquillo
Manati
Naranjito
Rio Grande
San Juan
Toa Alta
Toa Baja
Trujillo Alto
Vega Alta
Vega Baja
Santa Barbara-Santa Maria-Lompoc, CA
Santa Barbara, CA
Santa Cruz, CA
Santa Cruz, CA
Santa Rosa-Petaluma, CA
Sonoma, CA
Sarasota, FL
Sarasota, FL
Savannah, GA
Chatham, GA
Effingham, GA
Scranton-Wilkes Barre, PA
Columbia, PA
Lackawanna, PA
Luzerne, PA
Monroe, PA
Wyoming, PA
Seattle, WA
King, WA
Snohomish, WA
Sharon, PA
Mercer, PA
Sheboygan, WI
Sheboygan, WI
Sherman-Denison, TX
Grayson, TX
Shreveport, LA
Bossier, LA
Caddo, LA
Sioux City, IA–NE
Woodbury, IA
Dakota, NE
Sioux Falls, SD
Minnehaha, SD
South Bend-Mishawaka, IN
St Joseph, IN
Spokane, WA
Spokane, WA
Springfield, IL
Menard, IL
Sangamon, IL
Springfield, MO
Christian, MO
Greene, MO
Springfield, MA
Hampden, MA
Hampshire, MA
State College, PA
Centre, PA
Steubenville-Weirton, OH–WV
Jefferson, OH
Brooke, WV
Hancock, WV
Stockton, CA
San Joaquin, CA
Syracuse, NY
Madison, NY
Onondaga, NY
Oswego, NY
Tacoma, WA
Pierce, WA
Tallahasse, FL
Gadsden, FL
Leon, FL
Tampa-St Petersburg-Clearwater, FL

Hernando, FL
Hillsborough, FL
Pasco, FL
Pinellas, FL
Terre Haute, IN
Clay, IN
Vigo, IN
Texarkana, TX-Texarkana, AR
Miller, AR
Bowie, TX
Toledo, OH
Fulton, OH
Lucas, OH
Wood, OH
Topeka, KS
Shawnee, KS
Trenton, NJ
Mercer, NJ
Tucson, AZ
Pima, AZ
Tulsa, OK
Creek, OK
Osage, OK
Roger, OK
Tulsa, OK
Wagoner, OK
Tuscaloosa, AL
Tuscaloosa, AL
Tyler, TX
Smith, TX
Utica-Rome, NY
Herkimer, NY
Oneida, NY
Vallejo-Fairfield-Napa, CA
Napa, CA
Solano, CA
Vancouver, WA
Clark, WA
Victoria, TX
Victoria, TX
Vineland-Millville-Bridgeton, NJ
Cumberland, NJ
Visalia-Tulare-Porterville, CA
Tulare, CA
Waco, TX
McLennan, TX
Washington, DC-MD-VA
District of Columbia, DC
Calvert, MD
Charles, MD
Frederick, MD
Montgomery, MD
Prince Georges, MD
Alexandria City, VA
Arlington, VA
Fairfax, VA
Fairfax City, VA
Falls Church City, VA
Loudoun, VA
Manassas City, VA
Manassas Park City, VA
Price William, VA
Stafford, VA
Waterloo-Cedar Falls, IA
Black Hawk, IA
Bremer, IA
Wausau, WI
Marathon, WI
West Palm Beach-Boca Raton-Delray Beach, FL
Palm Beach, FL
Wheeling, WV-OH
Belmont, OH
Marshall, WV
Ohio, WV
Wichita, KS
Butler, KS
Sedgwick, KS
Wichita Falls, TX
Wichita, TX
Williamsport, PA
Lycoming, PA
Wilmington, DE-NJ-MD
New Castle, DE
Cecil, MD
Salem, NJ
Wilmington, NC
New Hanover, NC
Worcester-Fitchburg-Leominster, MA
Worcester, MA
Yakima, WA
Yakima, WA
York, PA
Adams, PA
York, PA
Youngstown-Warren, OH
Mahoning, OH
Trumbull, OH
Yuba City, CA
Sutter, CA
Yuba, CA

III. Clarification of Exception for Newly Established Home Health Agencies—Amended Regulations

A. Background

In the May 15, 1984 proposed rule we described for public comment proposed changes to § 405.460(f)(7), which deal with exceptions to the cost limits for newly established HHAs. The changes we proposed were intended to clarify both our present policy and the intended effect of the current language with respect to the exception to the cost limits for newly established agencies.

Currently, § 405.460(f)(7) enables a newly established HHA to file a request for an exception to the cost limits if the agency can demonstrate that—

- It has operated as the type of provider for which it was approved for participation in the Medicare program under present and previous ownership for less than three full years;
- Its variable operating costs are reasonable in relation to its utilization during the fiscal cost reporting year for which the exception is requested; and
- Its fixed operating costs are reasonable in relation to a realistic projection of utilization to be achieved at the end of the provider's second year of operation.

Since the implementation of the cost limits in 1979, we have received a number of exception requests and telephone inquiries that indicate that the regulations at § 405.460(f)(7) are being misinterpreted by providers and intermediaries. For example, exception requests have been received from agencies that have been providing Medicare equivalent services for years but have only recently become newly approved for participation in the Medicare program.

Under § 405.460(f)(7) as presently written, we intend that providers that are already established agencies will not qualify for the "newly established" exception to the cost limits, as they have existing contacts in the community. However, they are able to apply for exceptions under all other provisions of § 405.460(f) that are applicable to home health agencies. Therefore, we proposed to revise the language in § 405.460(f)(7) to clarify this intent. We also added some examples for futher clarification. We believed that this clarification will aid providers and intermediaries in determining whether an HHA qualifies for the "newly established" exception.

B. Summary of Comments and Responses to Changes to § 405.460(f)(7)

Comment—We received comments that the exception for newly established HHAs is contributing to an oversupply of HHAs and unnecessary increases in Medicare expenditures for home health care.

Response—The amendment to § 405.460(f)(7) as presented in the May 15, 1984 proposed rule is a clarification, and does not involve any change in our present policy concerning exceptions for newly established HHAs. We are amending the regulation as proposed in order to clarify the intended purpose. These commenters are proposing a change in current policy which would require prior publication as a proposed rule. Therefore, we are not considering such a change at this time. We will, however, continue to monitor changes in the home health industry. If we find that these changes require modifications to our present policy, we will publish a proposed rule in the Federal Register.

IV Waiver of Delayed Effective Date

We are publishing the limits contained in this document to be effective for cost reporting periods beginning on or after July 1, 1984. The clarifications to § 405.460(f)(7) contained in this rule are also effective July 1, 1984.

Since all providers and intermediaries affected by the schedule of limits were notified by the May 15, 1984 (49 FR 20616) publication of our intention to set new limits effective for cost reporting periods beginning on or after July 1, 1984, and because there has been no change in the methodology used to develop the limits, we believe further delay in the effective date of the schedule of limits would be unnecessary and contrary to the public interest. Also, because the changes to § 405.460(f)(7) published in proposed form on May 15, 1984 are changes to an existing regulation for purposes of clarity and do

not change policy, HHAs will not be disadvantaged. Consequently, we believe further delay in the effective date of these changes would also be unnecessary and contrary to the public interest. Therefore, we find good cause to waive a delay in the effective date of this final rule. Thus, the limits will be effective for cost reporting periods beginning on or after July 1, 1984 and the changes to § 405.460(f)(7) will be effective on July 1, 1984.

V Regulatory Impact Statement and Flexibility Analysis

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish a regulatory impact analysis for any regulations that are likely to have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices, or meet other threshold criteria that are specified in that order. We expect that these HHA limits will result in total Medicare savings of about $60 million for cost reporting periods beginning on or after July 1, 1984 and before July 1, 1985.

Note.—That due to the staggered beginning dates of HHA cost reporting periods subject to this schedule of limits, the savings will be distributed among three Federal fiscal years.

About $8 million are incremental savings in addition to the savings that would result from the limits that are already in place and that would continue to be in place if we were not issuing revised limits. The additional savings are due to the use of more recent data and incorporating the most recent estimates of Medicare home health expenditures. We have, therefore, determined that this final rule does not meet any of the threshold criteria for a major rule under Executive Order 12291.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) requires us to prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations will not have a significant economic impact on a substantial number of small entities. All HHAs are considered small entities under the Regulatory Flexibility Act (RFA). In the proposed rule published May 15, 1984, we concluded that the proposed revision of limits could have a significant impact on a substantial number of HHAs, and included an analysis meeting the regulatory standards required by the RFA.

Under the RFA, when an initial regulatory flexibility analysis is performed for a proposed rule, a final regulatory flexibility analysis must be prepared on the final rule, and must contain—

- A summary of the issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment by the agency of those issues, and a statement of any changes made to the proposed rule or notice as a result of those comments; and
- A description of each of the significant alternatives to the proposed provisions considered by the agency, and a statement of the reasons why each one of those alternatives was rejected.

We did not receive any public comments in response to our initial regulatory flexibility analysis. Therefore, we do not have a summary of issues to present in this final regulatory flexibility analysis. However, some alternatives must be discussed in accordance with section 604(a)(3) of the Act, to show that we have examined options that might minimize unnecessary burden or otherwise ensure the regulations to be cost-effective.

C. Impact on Small Entities

The estimate of the amount that these limits will save during the next year is derived from our estimate of the number of home health agencies that will exceed the limits for the cost reporting period beginning during the year beginning July 1, 1984 and ending June 30, 1985, and the amount of incurred costs that would not be reimbursed for those cost reporting periods. As of April 1984, there were about 4,400 HHAs participating in Medicare. We have a detailed data base covering 2,382 agencies. Of these agencies, we estimate that 471 freestanding and 154 hospital-based agencies will exceed these limits. Extrapolating from the sample to the universe of all participating HHAs, we estimate that slightly more than a quarter, or 1,090, of all participating agencies will exceed the limits during their cost reporting period beginning on or after July 1, 1984.

The average annual Medicare income of participating home health agencies is about $410,000. The incremental average annual economic impact of this rule on each affected agency, considering only the $8 million in additional savings that will result from these revised limits, would be about $7,340 or 1.8 percent of each HHA's annual Medicare income. However, HHAs vary greatly in the percentage of total income derived from Medicare payments, and, in the "worst case," agency could lose 3 percent or more of its revenues.

D. Alternatives Considered

For the most part, alternatives we considered are discussed in other sections of this preamble. However, there were two major alternatives considered in developing these revised limits—applying limits by discipline and setting limits at some percentile less than the 75th.

Per discipline limits. As discussed above, HHA limits are currently applied to total agency costs on an aggregate basis. This allows an agency to offset the high cost of some services with the lower cost of other services, with the result of reducing or avoiding the impact of the limits. Ideally, we believe it would be desirable for the costs and revenues related to each service to be managed independently.

However, application of these limits on a per discipline basis would require accurate reporting of costs for each discipline. We recently implemented a new HHA cost report. Our initial analysis of the first year use of this cost report indicated that there were numerous reporting errors. For example, many agencies accumulated all medical social service expenditures directly into the medical social service cost center without regard to time spent in other than visiting activities. Although total agency costs were not affected by these reporting errors, these errors tended to overstate per visit costs in a service with low utilization, and consequently understate the costs of high volume services. Overhead costs that should have been allocated to the other disciplines were instead included as a visiting cost in the medical social service cost center. We, therefore, did not believe it was appropriate to consider initiating per discipline limits at this time. We may apply the limits on a per discipline basis once the accuracy of the per service costs can be confirmed.

Limits set at a lower percentile. Section 1861(v)(1)(L) of the Act provides that HHA limits must be set at "the 75th percentile of such costs per visit for freestanding home health agencies, or, in the judgment of the Secretary, such lower percentile or such comparable or lower limit (based on or related to the mean of the costs of such agencies or otherwise) as the Secretary may determine." Thus, there is legal authority to establish the limits at a lower percentile.

Since the original limits were promulgated in 1979, we have allowed a margin factor above the median (the 50th percentile) to accommodate cost variations that occur due to factors not accounted for by our methodology. Setting limits at the 75th percentile provides a margin factor of 25 percentile points.

In previous notices, we indicated our

intent to reevaluate the methodology used to establish the limits when data from the single-method cost report (effective October 1, 1980) become available. Ninety percent of the current data base is comprised of information extracted from the new reporting form. As discussed above, these data contain numerous reporting errors. In addition, we have refined these limits by—

- Increasing the percentage of the limit which is adjusted by the wage index, by including fringe benefits, thereby more accurately reflecting the economic environment in which a provider operates; and
- Eliminating all per visit costs outside a range of plus or minus two standard deviations from the mean for each discipline, resulting in limits more closely representative of the normal cost incurred by an efficiently operated HHA.

These refinements to our methodology for deriving and applying the limits significantly improve the precision of the limits process. Once we have cost-reporting data reflecting fewer errors, and have had an opportunity to observe the effects of these refinements, we may choose to reduce the margin factor and we may examine other methodologies. However, in the meantime, we believe that the current 25 percentile point margin is still appropriate to take into account variations in costs that may not be accounted for by the limits methodology.

E. Conclusion

Other parts of the preamble discuss in detail the basis for setting the limits. In summary, improved data and a revised market basket index have resulted in limits that will yield greater program savings than would result from merely inflating previous limits. Nonetheless, for the most part, these savings are not the result of methodological changes. Rather, they result from the requirements of legislation and existing regulations. In addition, an HHA affected by the revised limits can reduce the impact by initiating management improvements to bring its costs down to levels which the majority of HHAs are not able to meet. There also is an exceptions process available to affected providers, under 42 CFR 405.460(f), that allows for adjustment of a provider's limits under certain conditions such as circumstances beyond its control or as a newly established home health agency. Therefore, we conclude that this proposal meets the regulatory standards required by the Regulatory Flexibility Act.

VI. Other Required Information

A. Paperwork Burden

This rule contains no information collection requirements and, therefore, is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 405, Subpart D is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Providers, Outpatient Maintenance Dialysis, and Services by Hospital-Based Physicians

1. The authority citation for Subpart D reads as follows:

Authority: Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g, 13951(a), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

2. In § 405.460(f)(7), we are reprinting the introductory language of paragraph (f) unchanges and revising paragraph (f)(7) to read as follows:

§ 405.460 Limitations on reimbursable costs.

* * * * *

(f) *Exceptions.* Limits established under this section may be adjusted upward for a provider under the circumstances specified in paragraphs (f)(1) through (f)(8) of this section, and may be adjusted upward or downward under the circumstances specified in paragraph (f)(9) of this section. An adjustment is made only to the extent the costs are reasonable, attributable to the circumstances specified, separately identified by the provider, and verified by the intermediary.

* * * * *

(7) *Newly established home health agency.* The agency can demonstrate that:

(i) It has provided under present and previous ownership for a period of less than three full years home health care services equivalent to those that would have been covered if the agency had a Medicare provider agreement in effect. Eligibility for an exception under this paragraph ceases with the end of the cost reporting period that begins not more than 24 months after the HHA makes its first visit covered under the Medicare program or its first visit that would have been covered under the Medicare program if the agency had a Medicare provider agreement in effect.

Example No. 1: Home Health Agency A had been operating for several years and had been performing only "homemaker" visits. The Medicare provider agreement of HAA A became effective on July 1, 1980 and on that date the agency performed its first skilled nursing visit. Home Health Agency A's first cost reporting period under Medicare ends December 31, 1980. Home Health Agency A qualifies under this paragraph for an exception for the periods ending December 31, 1980, December 31, 1981, and December 31, 1982 because the first Medicare covered visit was performed on July 1, 1980. Prior to that date, the agency only provided "homemaker" visits (not covered by Medicare).

Example No. 2: Home Health Agency B began operating on January 1, 1974, providing only homemaker visits. In July 1974, it contracted with an HHA participating in the Medicare program to supply staff that HHA B used to furnish nursing and home health aide visits in addition to homemaker services. Home Health Agency B obtained a Medicare provider agreement effective on March 1, 1980, and its first cost reporting period under Medicare ended February 28, 1981. Home Health Agency B may not qualify under this paragraph as a newly established home health agency because it has been furnishing skilled nursing and home health aide visits (of the type reimbursable by Medicare) under contract since July 1974 (first visit).

(ii) Its variable operating costs were reasonable in relation to its utilization during the year; and

(iii) Its fixed operating costs are reasonable in relation to realistic projection of utilization to be achieved at the end of the provider's second full year (the reporting year containing the 24th month after the start of the provider's first cost reporting period) of operation in the program.

* * * *

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: June 20, 1984.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 26, 1984.

Margaret M. Heckler,

Secretary.

[FR Doc. 84-17513 Filed 6-29-84; 8:45 am]

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Federal Register

Monday
July 2, 1984

Part V

Department of Transportation

Federal Highway Administration

49 CFR Part 387

Minimum Levels of Financial Responsibility for Motor Carriers of Property; Extension of Reduced Levels; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94-2; Amdt. No. 83-8]

Minimum Levels of Financial Responsibility for Motor Carriers of Property; Extension of Reduced Levels

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This emergency regulation amends the existing regulations concerning the minimum levels of financial responsibility for motor carriers of property by extending the effective date for reduced liability limits from July 1, 1984 to January 1, 1985 as allowed by statute. This action is based on a review of comments received and data available which indicate that the current levels are sufficient to protect the public for an additional six month period. This six month extension will help maintain stability in both the insurance and motor carrier industries and allow the insurance industry adequate time to ensure that their motor carrier clients have sufficient financial responsibility coverage by the effective date of the mandated higher levels.

EFFECTIVE DATE: July 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767 or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 0590. Office hours are from 7:45 a.m. to 4:152 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424, 96 Stat. 2097) (STAA of 1982). Section 406(a) of the STAA of 1982 amends Section 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296, 94 Stat. 820) (MCA) by allowing the Secretary to extend the "phase-in period" for the reduced minimum levels of financial responsibility from 2 years to 3½ years.

Section 30 of the MCA sets forth minimum levels of financial responsibility which must be maintained by motor carriers of property. The MCA also gave the Secretary the authority to reduce those levels, by regulation, for up to a 2-year "phase-in period" provided the reduced levels would not adversely affect public safety and would prevent a serious disruption in transportation service.

In the final rule implementing the provisions of Section 30 of the MCA (46 FR 30982, June 11, 1981) as set forth in 49 CFR Part 387 the Secretary exercised his authority by reducing the minimum levels to the lowest levels allowed by the MCA for the full 2-year "phase-in period." This decision was based on comments to the docket (MC-94) received during the rulemaking process as well as on the findings contained in the regulatory evaluation/regulatory flexibility analysis prepared on the subject.

Further, in a Report to Congress required by Section 30 of the MCA, the Secretary recommended an amendment to the MCA which would allow the minimum levels of financial responsibility established by the Secretary to remain in force after June 30, 1983, and permit the Secretary thereafter to initiate rulemaking relative to requiring different levels of financial responsibility as the needs of public safety dictate. Such action would have allowed the Secretary to obtain current, valid, substantive information. From this, reasonable decisions could have been made that would have provided adequate protection for the public. Further, such action would not have adversely affected either the motor carrier or insurance industries. Future limits would have been based on a public record compiled according to rulemaking procedures.

The amendment contained in Section 406 of the STAA of 1982 partially responds to the Secretary's recommendation in the Report to Congress. While the amendment does not fully grant the Secretary discretionary authority to establish appropriate levels of financial responsibility, it does extend the allowable "phase-in period" from 2 years to 3½ years.

In a notice of proposed rulemaking (NPRM) issued on April 11, 1983 (48 FR 15499), the FHWA requested public comment on a proposal to amend the regulations by revising the Schedule of Limits table located in 49 CFR 387.9 and 387.15 to reflect the additional 18-month "phase-in period" permitted by Section 406 of the STAA of 1982. A substantial amount of data was submitted from both the commenters who supported the extension as well as from those who opposed it. Due to the time constraints on that rulemaking, there was not sufficient time to analyze fully the data prior to the July 1, 1983 effective date. The FHWA determined that more time was needed for the review of the issues which revolved around the possible 18-month extension of the "phase-in period," and that a 12-month extension of the reduced levels was sufficient time for the DOT and other governmental offices to review the issues at hand. Based on the information offered in response to the NPRM, it was determined that a 12-month extension would not adversely affect public safety, and would prevent a serious disruption in both the insurance and motor carrier industries. Further, it was determined that the absence of a final rule extending the "phase-in-period" beyond July 1, 1983 would possibly inflict unnecessary turmoil on both industries. Subsequently, on June 28, 1983 (48 FR 29698), the "phase-in period" was extended until July 1, 1984.

Since the decision to extend the "phase-in period" for 12 months, the FHWA has received no new information that would alter the decision to extend that period a full 18 months. Also, we have determined that there are no levels of financial responsibility higher than these reduced levels that would increase public safety while not seriously disrupting essential transportation service. For these reasons and the fact that the market conditions existing in the insurance industry are basically the same as they were a year ago, the FHWA is extending the "phase-in period" for the reduced levels of financial responsibility for an additional 6 months until January 1, 1985. This action will also allow the insurance industry adequate time to ensure that their motor carrier clients have sufficient financial responsibility coverage and the required endorsements in place by the effective date of the mandated higher levels.

Summary of Comments

Approximately 46 comments were received in response to the NPRM of April 11, 1983 from a variety of respondents as shown below:

1. Motor carriers;
2. Associations representing motor carriers;
3. Insurance companies, agencies and brokers; and
4. Associations representing insurance companies and agents.

Comments Opposed to Proposal

A total of 11 commenters opposed the proposed extension of the "phase-in period" The most extensive comments received from this group were those of the American Trucking Associations, Inc. (ATA), whose position was supported in the comments of the Steel Carriers Conference and the Common Carrier Conference—Irregular Route.

Both Conferences are members of the ATA.

The ATA submitted a copy of "The ATA's Comments on the Report of the Secretary of Transportation to the United States Congress Pursuant to Section 30 Public Law 96-296 Motor Carrier Act of 1980" (DOT Report to Congress), and requested that this document be considered as part of its comments in this rulemaking.

Much of the documentation contained in the ATA's comments revolves around the legislative authority given the Secretary of Transportation to reduce the levels provided such reduction will not adversely affect public safety and will prevent a serious disruption in transportation service. The ATA contends that the DOT has not satisfied these two criteria in its consideration and analysis of the proposed rule.

Throughout their comments, the ATA quotes selected statements made in DOT's "Report to Congress" to support their position for higher limits and asserts that the FHWA's belief that the current limits are sufficient to satisfy the liability claims arising from the majority of accidents reported is "a myopic view which distorts the readily apparent intent of Congress to protect the public from major loss accidents and not just from the 'majority' of minor losses." They offer documentation in their comments which reflect an increase in costs associated with motor vehicle accidents. The rising costs include claims for medical expenses and property damage, and increases in jury awards. The ATA also gave examples of the increasing frequency of accidents involving extraordinary costs. In focusing on "worst case" accidents, they describe 5 accidents which have occurred over the past 8 years which resulted in claims higher than the minimum levels required by the current regulation.

The ATA stated their belief that the intent of Congress to provide public protection through financial responsibility requirements "includes adequate protection through reimbursement for loss once an accident takes place," and asserts that the existing "phase-in" levels are not adequate protection.

The comments of Agway, Inc. also reflect the belief that the higher limits will offer better protection of the public. In their comments, Agway states "Given today's costs and environment in legal matters, Agway does not believe that the present minimum limits are sufficient to provide adequate protection to shippers and/or the public."

Other justification for increasing the liability limits required, based on safety for the public, were presented. For example, PPG Industries oppose the proposal to extend the "phase-in period" because "The Motor Carrier Act of 1980 significantly relaxed entry standards which in turn have created serious problems for the users of motor carrier transportation. The number of carriers entering the field has increased dramatically as a result of the easing of these standards. At the same time, the Interstate Commerce Commission makes no provision for a new carrier to establish evidence of financial fitness." The PPG Industries believes "The increase in liability insurance coverage provides an additional incentive for the motor carriers to focus on the safety aspects of highway transportation. This will tend to improve safety performance as unsafe carriers will incur higher premiums than the carriers with good safety records."

The comments of Truck Transport, Inc. express similar concerns. They express doubt that the higher levels will cause a serious disruption in transportation. Further, they contend "If there is a disruption, it will result from increasing numbers of inadequately financed carriers entering the regulated industry and incapable of obtaining insurance protection at the minimum levels believed by Congress to be acceptable."

Several of the commenters who opposed the proposal took exception to the FHWA's justification for the extension of the "phase-in period" based on economic conditions.

In its NPRM the FHWA stated that "the proposed extension would prevent a serious disruption in the transportation industry, since the commercial motor carrier industry is currently undergoing a period of financial difficulty and constriction. The extension of the 'phase-in period' will help stabilize the overhead of motor carriers through the economic recovery period."

The Common Carrier Conference—Irregular Route responded to this justification by stating "while cost saving of any kind is embraced in the current depressed state of the trucking industry, we seriously question whether the proposed lower insurance level is a true saving—in the public interest."

The Steel Carriers Conference offered a similar opinion, "It is not necessarily true that increased insurance levels will put an economic burden on motor carriers. If a [motor] carrier has no major accidents resulting in losses in excess of the current limits, then the increased premiums entailed in increased coverage will be a slight economic burden. However if it does have a major accident resulting in claims in excess of currently required coverage, then this could result in a heavy—if not disastrous—economic burden on the carrier." They go on to explain their opinion that a motor carrier who "cannot afford the coverage proposed to be in effect on July 1, 1983 is not a responsible motor carrier" and that any such carrier involved in an accident and held liable for a judgment in excess of the current limits would place a burden on the public.

Another commenter, the Husky Oil Co., agreed that the higher limits "are in no way excessive when viewed in light of the risk involved."

The ATA is of the opinion that increased insurance premium costs are passed on to the consumer and would therefore not impose economic hardship on motor carriers. They continue, "If a trucking company goes bankrupt and its accident costs are not paid by insurance those costs will be spread among the general public through increased costs of truck service, merchandise, and general insurance protection purchased by the motoring public."

The ATA also states, "DOT's concern, like the trucking industry's should be with the continued successful and businesslike operation of small and minority carriers and not just ease of entry. It is the uppper limits which would represent that legitimate farsighted concern and not the lower limits. Upper limits should adequately cushion small and minority motor carriers from the bankrupting potential of extraordinarily costly accidents in which they could become involved."

Another consideration given in the comments of those opposed to the proposal responded to the FHWA's concern for any undue economic burden which may be placed on the insurance industry as a result of increased levels. The Steel Carriers Conference stated, "While it is true that the FHWA proposal might reduce the direct economic burden on motor carriers to some extent, it is difficult to see how increased insurance coverage would increase the economic burden on insurance companies . increased coverage invariably results in increased premiums. The insurance industry is well able to protect itself and project its potential losses and adjust its premiums upwards accordingly."

Another group of comments, which primarily focus on the proposal as it affects transporters of hazardous materials, were received from the National Tank Truck Carriers, Inc. (NTTC), the Hazardous Materials Advisory Council (HMAC), and the E.I.

DuPont Co. This group unanimously and adamantly opposes the proposed extension.

The NTTC, a national trade association which represents over 200 motor carriers of commodities in bulk, state that "obvious and blatant facts exist which mandate more responsible action on the part of the Administrator which would result in the imposition of minimum levels of financial responsibility in coverage amounts as high or higher than those set by Congress in Section 30 of the MCA of 80."

They proceed to list the facts they want to have considered. These include their belief that "no evidence exists in the docket or elsewhere that increasing insurance and/or bonding levels for tank truck carriers of all hazardous materials would work a hardship on the insurance industry." Other points offered to illustrate their desire to increase the levels of liability required for bulk transporters of hazardous materials include their objection to the discretion used by the FHWA in its determination of hazardous commodity definitions for the regulations in question.

The NTTC and the HMAC, like the ATA, point out the "worst case" accidents which have occurred wherein total liability of the carrier was far in excess of the current limits. They state that the DOT statistics do not accurately reflect the frequency or severity of accidents, particularly those involving hazardous commodities. To support their position the NTTC included a list of accidents involving hazardous materials which have occurred over the past 8 years which, they state, resulted in claims "far in excess of the DOT's current limits." The NTTC did not include the actual costs of these accidents.

Finally, the NTTC accuses the FHWA of giving a cost edge to the irresponsible operator. They state, "The regulations and the proposal do nothing more than create and foster competitive inequities in the tank truck sector of the trucking industry." In conclusion, they ask that the FHWA "utilize that regulatory vehicle to increase the present levels of mandatory evidence of financial responsibility to at least $5 million insurance and/or bonding for the bulk transportation of all hazardous materials (as defined by the Department) for public liability, property damage and environmental restoration to be effective 1 October 1983; and that the Schedule of Limits be amended to increase applicable limits to $8 million by 1 January 1985." This request is, however, beyond the scope of this rulemaking action.

Supportive Comments

The majority of comments received in response to the docket favored the proposal to extend the "phase-in period." Of the 34 comments received in support of the proposal, 21 were submitted by insurance companies, agencies or associations. Among this group there was total agreement that the public's safety would not be jeopardized by the extension of the "phase-in" limits for an additional period of time.

The American Insurance Association (AIA) provided extensive documentation to support their belief that the current limits are sufficient to provide "protection" to the public. In their comments, the AIA presented data provided them by the Insurance Service Office (ISO) which is the statistical agent representing 75% of the total commercial automobile market. The ISO data reflect commercial automobile losses (which include public autos, garage vehicles and trucks) incurred from January 1, 1977 through September 30, 1981, and reveals 1,908,861 paid losses. Eight hundred thirty-nine of that total were settled for amounts between $250,000 and $500,000. Only 157 losses were settled for $500,000 or more. The total of all losses of over $250,000 for this 4¾ year period represented far less than 1% of the total (four-one hundredths of one percent were settled for more than $250,000 and one-one hundredth of one percent were settled for more than $500,000).

Many other comments offered by the insurance industry, based on their experience as underwriters and/or providers of insurance, reflect the belief that the current limits are sufficient. Those offering their expertise through comments to the docket include the law firm of Le Boeuf, Lamb, Leiby and MacRae on behalf of Lloyds of London, The Southern Farm Bureau Casualty Insurance Co., the Continental Western Insurance Co., The National Association of Casualty and Surety Agents, and the National Association of Independent Insurers, to name a few.

Other documentation was presented to substantiate the sufficiency of the current limits by the Auto Driveaway Co. (ADC). The ADC, which they say, transported approximately 125,000 vehicles (including heavy vehicles) during the 3 year period from 1980 through 1982, offered their claims experience for that period. The data presented the highest, lowest and average amount paid out per single incident for each of the 3 years as well as the total amount for each year. The total amount paid by ADC, for all three years combined, totaled less than $500,000. The ADC commented, "These figures indicate that the reasonable levels of payment are well within the ceilings currently in effect. Our personnel have found that claimants have increasing tendency to seek the highest payment amount available from existing insurance. As levels of required liability coverage have been raised, we have seen a corresponding increase in the amount requested in damages. Following an intelligent review, adequate yet reasonable sums have been found to meet the actual needs of the claimant and parties involved. An increase in the required ceiling of insurance levels will serve only to increase motor carrier's premium costs and at the same time, the motor carrier's litigation costs required to reduce claimant's initial requests for unreasonable damages."

A majority of the comments received in favor of the proposal also indicated the belief that the proposed extension will be beneficial to both the trucking and insurance industries. This belief was offered by the insurance industry as well as by many small motor carriers. The Alliance of American Insurers, whose companies write approximately 13 percent of the commercial automobile market nationwide, and the National Association of Casualty and Surety Agents (NACSA), who represents the leading domestic commercial property/casualty insurance agencies and brokerage firms, were among the majority of commenters in its group. The NACSA points out in their comments the results of a survey they conducted involving 131 of its members. The responses, they say, "indicate that the larger truck operators, who have already demonstrated a need to purchase higher levels of insurance to cover their liability exposures, are able to and do purchase the higher levels of insurance coverage; regardless of the Act's current Section 30 minimum financial responsibility requirements."

Conversely, the NACSA continues "the survey results show that increasing the minimum levels for small to medium operators would not enhance motor vehicle safety as was intended originally by the Act; rather, it would only add to the heavy financial burdens of an economically strained industry."

Similarly, the AIA asserts "While many of the large, established carriers may be able to offset these increased costs through additional revenues, the new carrier may not have this luxury. Some mandatory costs, such as fuel,

licenses and taxes, cannot be decreased."

The Fireman's Fund Insurance Companies submitted comments in support of those submitted by the AIA. In their comments, they contend that "failing to extend the current minimum limit will be detrimental to public safety in the long run. Increased insurance costs will cut into the operational costs of motor carriers, taking revenue away from safety programs, driver training, and vehicle maintenance." This, they state, will impact most severely on small and minority firms.

Based on current rates found in the ISO Commercial Rating Manual, the AIA took a representative high, average, and low rate territory and computed the cost of increased minimum limits. They found, "A for-hire motor vehicle currently carrying a $1 million combined single limit policy (CSL) that becomes subject to a $5 million CSL will be subjected to an additional 29 percent premium increase." This was a minimum estimate.

Comments received from the motor carrier industry in support of the proposal also contend that there will be an adverse economic impact if the high limits were to take effect. The Private Truck Council of America, Inc. stated "it is the view of the Council that to require dramatic across the board increases in the minimum financial responsibility as of July 1, 1983, would prove to be counter-productive at this time."

Likewise, the comments received from the LP Gas Association, the National Oil Jobbers Council, the ICI Americas Inc., and several explosives haulers all contend that the extension is necessary to stabilize overhead costs during the present economic climate.

Another problem expressed in many of the comments from the insurance industry concerns the belief that, as NACSA states, "The mandatory nature of the Motor Carrier Act puts undue pressure on the insurance markets." The NACSA survey results indicated "doubt that insurance underwriters will have the capacity to underwrite the higher levels of insurance at an affordable price by July 1, 1983." They continue, "even if additional capacity can be found through the use of excess and surplus lines markets, it is unlikely that the higher levels will be affordable to the small- to medium-sized truck operators. The result may be that many operators will go out of business, not because of unsafe operating conditions, but because of the high price of compliance under Section 30."

The legislative history of Section 30 indicates "a congressional belief that increased financial responsibility will lead to improved safety performance as unsafe carriers will incur higher premiums than safe carriers, or will be unable to obtain coverage." The AIA contends that this rationale is not substantiated by the facts. They state "Individual insurers can refuse to voluntarily provide coverage based on objectively poor accident history, financial instability or failure to meet prescribed safety standards. However, all motor carriers have access to insurance through a residual market mechanism (commonly referred to as assigned risk plans). It must be emphasized that anyone, regardless of accident history or financial stability, must be provided insurance protection for the limits and coverages required by law."

The AIA noted that the adoption of the $5 million would be an incentive for growth in the residual market since insurers would be tempted to avoid the voluntary market with such high limits. Some smaller insurers, they say, may be unwilling or unable to provide such protection. The AIA submits "failure to maintain the current limits may destabilize the market and result in adverse growth in the residual market."

The Independent Insurance Agents of America, Inc., offered their agreement with the FHWA's rationale in the NPRM that higher requirements could produce significant market dislocations in this line of insurance. They continue "The lack of underwriting capacity would predictably create an availability/affordability problem."

A final concern expressed in many of the comments from the insurance industry revolves around the need for more time for the insurance industry to alleviate the confusion brought about by differing limits for different commodities.

The American Agricultural Insurance Co. states, "we strongly feel that the additional * * * 'phase-in period' will allow the industry the necessary period of time in which to implement reinsurance, advise and instruct both agents and underwriters, and work with clientele regarding their compliance with this Act with respect to the insurance provisions." Likewise, the Southern Farm Bureau Casualty Insurance Co. supports the extension because numerous revisions "have not permitted our companies the opportunity to establish set procedures and guidelines for responding to the requirements of the Act. Any change in the limits or other regulations effective July 1, 1983 would only further complicate and impact our ability to respond to our policy holder's needs."

The firm of Le Boeuf, Lamb, Leiby and MacRae who commented on behalf of Lloyd's of London state "Consistent minimum financial reponsibility levels during an extended phase-in period will also permit insurers to obtain a more accurate understanding of the market's development."

Assessment of Comments

In light of the foregoing, it is evident that there are very diverse views concerning what can reasonably be considered "protection of the public." For those who oppose the extension, it appears that the public can be adequately protected only if motor carriers are insured to levels adequate to cover "worst case" accidents. This, of course, would be an ideal situation for a number of reasons, such as providing adequate awards to injured parties as well as protecting the assets of the motor carrier involved in such an event.

On the other hand, those commenters who favor the extension appear to consider the minimum levels currently in effect reasonable protection since those limits cover liability claims in the vast majority of cases.

The FHWA agrees with those in opposition that "worst case" accidents can and do occur, leaving a trail of destruction and suffering in their wake. It is also understood, as pointed out in their comments, that these catastrophic accidents result in liability claims which can be above even the highest minimum levels mentioned in Section 30.

The FHWA feels confident that the Congress was fully aware of the catastrophic accidents which have occurred over the past decade or so when they passed the MCA of 1980. The Congress, in passing the MCA of 1980, called for minimum levels of financial responsibility to enhance safety and adequately protect the public. The Congress also gave the Secretary the authority to lower those minimum levels for a specified period of time if the reduction would prevent a serious disruption in service and would not adversely affect public safety. It can therefore be reasonably deduced that the Congress' intent for reasonable protection did not include those damages incurred as a result of an extremely limited number of "worst case" accidents. It is reasonable to assume this is still true since the Congress saw fit to give the Secretary the authority to extend the "phase-in period" from 2 years to 3½ years in the STAA of 1982.

Several of the commenters who oppose the proposal argued that the information provided the Congress in

the Secretary's Report to Congress was incomplete and misleading insofar as the accident data were concerned. It is important to note, however, that the quality of the data used was directly addressed in the Report as was the consideration of the rising incidence of accidents resulting in $1 million settlements. It was clearly stated in the Report that the data available to the FHWA were the best to be found to date. New data provided during this rulemaking indicate that the FHWA data in the report were accurate.

Information concerning 32,600 motor carrier accidents, on the average, is reported to the BMCS annually. This information contains the number of fatalities, injuries, and value of property damage in each accident. Aggregating these elements and applying estimated societal costs per fatality and/or injury permit an estimate of potential accident cost.

Using this approach to estimate average claim costs showed that of the accidents reported during 1982 only six (two one-hundredths of one percent) of 32,393 (a risk of 185 in a million) had aggregate societal costs in excess of $500,000. A total of only three accidents were reported in 1982 wherein property damage was equal to or greater than $1 million. In these three accidents the average societal costs amounted to $1.4 million. The seriousness of such accidents and related insurance claims, catastrophic or not with respect to the financial solvency of the motor carrier, would likely depend on the size and profitability of the motor carrier if the claim costs exceeded the policy's limits of liability.

The BMCS data provide estimates very similar to those offered by the insurance industry.

Furthermore, using the AIA's estimate of average insurance premium increase, the total increase would have to be passed on to consumers or absorbed by the motor carrier industry which is now only coming out of the adverse economic effects of the recent recession.

With all things considered (i.e., protection of the public, the stability of the motor carrier industry, the ability of the insurance industry to provide the coverage and the particular needs of small and minority motor carriers) the question which begs to be answered is what *minimum* levels of financial responsibility are sufficient? We stress the word "minimum" as it has appeared since the inception of the MCA of 1980.

The FHWA firmly believes, based on its data and the data provided by the insurance industry, that with only two one-hundredths of one percent of all commercial vehicle accidents resulting in settlements of more than $500,000, the current minimums are sufficient. This is not to say that the FHWA does not strongly endorse and encourage motor carriers to maintain levels of liability coverage sufficient to cover their assets and fully protect their concerns. What is at issue here is the absolute minimum which must be maintained before a motor carrier subject to these rules may operate its vehicles on the public highway system.

Final Determination

The current "phase-in period" for reduced levels of financial responsibility is hereby extended until January 1, 1985. The FHWA believes that this 6 month extension will not adversely affect the public safety and will prevent a serious disruption in both the insurance and motor carrier industries. Further, the absence of a final rule extending the "phase-in period" beyond July 1, 1984 may inflict unnecessary turmoil on both industries. For these reasons and due to time constraints, the Federal Highway Administrator has determined that this document responds to an emergency situation and it is impracticable for the agency to follow the procedures of Executive Order 12291. Therefore, good cause exists for publication as a final rule without a 30-day delay in effective date.

This amendment does not alter the contractual language or meaning of the endorsement form (MCS-90) or the Surety Bond (MCS-82), but only the "Schedule of Limits" as it appears in 49 CFR 387.9 and 387.15 on the endorsement form. Therefore, those endorsement forms currently in force may remain in effect.

The final regulatory evaluation/regulatory flexibility analysis has been prepared and is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided above under the heading "For Further Information Contact."

The need, objectives, and legal basis for the proposed action have been explained previously in this document. Any impact on small entities would be positive in that administrative and economic burdens would be relieved for small businesses that utilize vehicles subject to the minimum levels of financial responsibility requirements. By being relieved of increased insurance premiums, these small businesses will be able to redirect resources toward increased productivity. Also, small insurance agents and brokers could continue to write the coverage. This rule would not impose any additional reporting, recordkeeping or compliance requirements for small entities. There are no other Federal rules that conflict with this proposal.

List of Subjects in 49 CFR Part 387

Hazardous materials transportation, Insurance, Motor carriers, Surety bonds.

(Catalog of Federal Domestic Assistance Program Number 20.217 Motor Carrier Safety)

Issued on: June 28, 1984.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

In consideration of the foregoing and under the authority of section 406 of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2158 and 49 CFR 1.48, the FHWA is amending title 49, Code of Federal Regulations, Subtitle B, Chapter III, by revising Part 387, Subpart A as set forth below.

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Subpart A—Motor Carriers of Property

§ 387.9 [Amended]

1. The Schedule of Limits table in § 387.9 is amended by replacing the heading "July 1, 1984" with "January 1, 1985."

§ 387.15 [Amended]

2. The Schedule of Limits table in Illustration I of § 387.15 is amended by replacing the heading "July 1, 1984" with "January 1, 1985."

[FR Doc. 84-17706 Filed 6-29-84; 10:20 am]
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Note: No public bills which have become law were received by the Office of Federal Register for inclusion in today's **List of Public Laws.**

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TABLE OF EFFECTIVE DATES AND TIME PERIODS—JULY 1984

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
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July 5	July 20	August 6	August 20	September 4	October 3
July 6	July 23	August 6	August 20	September 4	October 4
July 9	July 24	August 8	August 23	September 7	October 9
July 10	July 25	August 9	August 24	September 10	October 9
July 11	July 26	August 10	August 27	September 10	October 9
July 12	July 27	August 13	August 27	September 10	October 10
July 13	July 30	August 13	August 27	September 11	October 11
July 16	July 31	August 15	August 30	September 14	October 15
July 17	August 1	August 16	August 31	September 17	October 15
July 18	August 2	August 17	September 4	September 17	October 16
July 19	August 3	August 20	September 4	September 17	October 17
July 20	August 6	August 20	September 4	September 18	October 18
July 23	August 7	August 22	September 6	September 21	October 22
July 24	August 8	August 23	September 7	September 24	October 22
July 25	August 9	August 24	September 10	September 24	October 23
July 26	August 10	August 27	September 10	September 24	October 24
July 27	August 13	August 27	September 10	September 25	October 25
July 30	August 14	August 29	September 13	September 28	October 29
July 31	August 15	August 30	September 14	October 1	October 29

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $550 domestic, $137.50 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$6.00	Jan. 1, 1984
3 (1983 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1984
4	12.00	Jan. 1, 1984
5 Parts:		
1-1199	13.00	Jan. 1, 1984
1200-End, 6 (6 Reserved)	6.00	Jan. 1, 1984
7 Parts:		
0-45	13.00	Jan. 1, 1984
46-51	12.00	Jan. 1, 1984
52	14.00	Jan. 1, 1984
53-209	13.00	Jan. 1, 1984
210-299	13.00	Jan. 1, 1984
300-399	7.50	Jan. 1, 1984
400-699	13.00	Jan. 1, 1984
700-899	13.00	Jan. 1, 1984
900-999	14.00	Jan. 1, 1984
1000-1059	12.00	Jan. 1, 1984
1060-1119	9.50	Jan. 1, 1984
1120-1199	7.50	Jan. 1, 1984
1200-1499	13.00	Jan. 1, 1984
1500-1899	6.00	Jan. 1, 1984
1900-1944	14.00	Jan. 1, 1984
1945-End	13.00	Jan. 1, 1984
8	7.00	Jan. 1, 1984
9 Parts:		
1-199	13.00	Jan. 1, 1984
200-End	9.50	Jan. 1, 1984
10 Parts:		
0-199	14.00	Jan. 1, 1984
200-399	12.00	Jan. 1, 1984
400-499	12.00	Jan. 1, 1984
500-End	13.00	Jan. 1, 1984
11	5.50	July 1, 1983
12 Parts:		
1-199	9.00	Jan. 1, 1984
200-299	8.00	Jan. 1, 1983
300-499	9.50	Jan. 1, 1984
*500-End	14.00	Jan. 1, 1984
13	13.00	Jan. 1, 1984
14 Parts:		
1-59	13.00	Jan. 1, 1984
60-139	13.00	Jan. 1, 1984
140-199	7.00	Jan. 1, 1984
200-1199	13.00	Jan. 1, 1984
1200-End	7.50	Jan. 1, 1984
15 Parts:		
0-299	7.00	Jan. 1, 1984
300-399	13.00	Jan. 1, 1984
400-End	12.00	Jan. 1, 1984
16 Parts:		
0-149	9.00	Jan. 1, 1984
150-999	9.50	Jan. 1, 1984
1000-End	13.00	Jan. 1, 1984
17 Parts:		
1-239	8.00	Apr. 1, 1983
240-End	7.00	Apr. 1, 1983
18 Parts:		
1-149	7.00	Apr. 1, 1983
150-399	8.00	Apr. 1, 1983
400-End	6.50	Apr. 1, 1984
19	8.50	Apr. 1, 1983
20 Parts:		
1-399	5.50	Apr. 1, 1983
400-499	7.00	Apr. 1, 1983
500-End	7.50	Apr. 1, 1983
21 Parts:		
1-99	9.00	Apr. 1, 1984
100-169	6.50	Apr. 1, 1983
170-199	6.50	Apr. 1, 1983
200-299	4.75	Apr. 1, 1983
*300-499	14.00	Apr. 1, 1984
500-599	13.00	Apr. 1, 1984
600-799	6.00	Apr. 1, 1984
800-1299	9.50	Apr. 1, 1984
1300-End	6.00	Apr. 1, 1984
22	8.50	Apr. 1, 1983
23	7.00	Apr. 1, 1983
24 Parts:		
0-199	6.00	Apr. 1, 1983
200-499	8.00	Apr. 1, 1983
500-699	6.00	Apr. 1, 1984
500-799	5.00	Apr. 1, 1983
800-1699	6.50	Apr. 1, 1983
1700-End	6.00	Apr. 1, 1983
25	8.00	Apr. 1, 1983
26 Parts:		
§§ 1.0-1.169	8.00	Apr. 1, 1983
§§ 1.170-1.300	10.00	Apr. 1, 1984
§§ 1.301-1.400	6.00	Apr. 1, 1983
§§ 1.401-1.500	7.00	Apr. 1, 1983
§§ 1.501-1.640	12.00	Apr. 1, 1984
§§ 1.641-1.850	7.50	[1] Apr. 1, 1982
§§ 1.851-1.1200	8.00	Apr. 1, 1983
§§ 1.1201-End	8.50	Apr. 1, 1983
2-29	7.00	Apr. 1, 1983
30-39	6.00	Apr. 1, 1983
40-299	7.50	Apr. 1, 1983
300-499	6.00	Apr. 1, 1983
500-599	8.00	[2] Apr. 1, 1980
600-End	5.50	Apr. 1, 1984
27 Parts:		
1-199	6.50	Apr. 1, 1983
200-End	6.50	Apr. 1, 1983
28	7.00	July 1, 1983
29 Parts:		
0-99	8.00	July 1, 1983
100-499	5.50	July 1, 1983
500-899	8.00	July 1, 1983
900-1899	5.50	July 1, 1983
1900-1910	8.50	July 1, 1983
1911-1919	4.50	July 1, 1983
1920-End	8.00	July 1, 1983
30 Parts:		
0-199	7.00	July 1, 1983
200-699	5.50	Oct. 1, 1983
700-End	13.00	Oct. 1, 1983
31 Parts:		
0-199	6.00	July 1, 1983
200-End	6.50	July 1, 1983

Title	Price	Revision Date
32 Parts:		
1–39, Vol. I	8.50	July 1, 1983
1–39, Vol. II	13.00	July 1, 1983
1–39, Vol. III	9.00	July 1, 1983
40–189	6.50	July 1, 1983
190–399	13.00	July 1, 1983
400–699	12.00	July 1, 1983
700–799	7.50	July 1, 1983
800–999	6.50	July 1, 1983
1000–End	6.00	July 1, 1983
33 Parts:		
1–199	14.00	July 1, 1983
200–End	7.00	July 1, 1983
34 Parts:		
1–299	13.00	July 1, 1983
300–399	6.00	July 1, 1983
400–End	15.00	July 1, 1983
35	5.50	July 1, 1983
36 Parts:		
1–199	6.50	July 1, 1983
200–End	12.00	July 1, 1983
37	6.00	July 1, 1983
38 Parts:		
0–17	7.00	July 1, 1983
18–End	6.50	July 1, 1983
39	7.50	July 1, 1983
40 Parts:		
0–51	7.50	July 1, 1983
52	14.00	July 1, 1983
53–80	14.00	July 1, 1983
81–99	7.50	July 1, 1983
100–149	6.00	July 1, 1983
150–189	6.50	July 1, 1983
190–399	7.00	July 1, 1983
400–424	6.50	July 1, 1983
425–End	13.00	July 1, 1983
41 Chapters:		
1, 1–1 to 1–10	7.00	July 1, 1983
1, 1–11 to Appendix, 2 (2 Reserved)	6.50	July 1, 1983
3–6	7.00	July 1, 1983
7	5.00	July 1, 1983
8	4.75	July 1, 1983
9	7.00	July 1, 1983
10–17	6.50[2]	July 1, 1983
18, Vol. I, Parts 1–5	6.50	July 1, 1983
18, Vol. II, Parts 6–19	7.00	July 1, 1983
18, Vol. III, Parts 20–52	6.50	July 1, 1983
19–100	7.00	July 1, 1983
101	14.00	July 1, 1983
102–End	6.50	July 1, 1983
42 Parts:		
1–60	12.00	Oct. 1, 1983
61–399	7.50	Oct. 1, 1983
400–End	17.00	Oct. 1, 1983
43 Parts:		
1–999	9.00	Oct. 1, 1983
1000–3999	14.00	Oct. 1, 1983
4000–End	7.50	Oct. 1, 1983
44	12.00	Oct. 1, 1983
45 Parts:		
1–199	9.00	Oct. 1, 1983
200–499	6.00	Oct. 1, 1983
500–1199	12.00	Oct. 1, 1983
1200–End	9.00	Oct. 1, 1983
46 Parts:		
1–40	9.00	Oct. 1, 1983
41–69	9.00	Oct. 1, 1983
70–89	5.00	Oct. 1, 1983
90–139	9.00	Oct. 1, 1983
140–155	8.00	Oct. 1, 1983
156–165	9.00	Oct. 1, 1983
166–199	7.00	Oct. 1, 1983
200–399	12.00	Oct. 1, 1983
400–End	7.00	Oct. 1, 1983
47 Parts:		
0–19	12.00	Oct. 1, 1983
20–69	14.00	Oct. 1, 1983
70–79	13.00	Oct. 1, 1983
80–End	13.00	Oct. 1, 1983
48	1.50	[3] Sept. 19, 1983
49 Parts:		
1–99	7.00	Oct. 1, 1983
100–177	14.00	Nov. 1, 1983
178–199	13.00	Nov. 1, 1983
200–399	12.00	Oct. 1, 1983
400–999	13.00	Oct. 1, 1983
1000–1199	12.00	Oct. 1, 1983
1200–1299	12.00	Oct. 1, 1983
1300–End	7.50	Oct. 1, 1983
50 Parts:		
1–199	9.00	Oct. 1, 1983
200–End	13.00	Oct. 1, 1983
CFR Index and Findings Aids	17.00	Jan. 1, 1984
Complete 1984 CFR set	550.00	1984
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Subscription (mailed as issued)	200.00	1984
Individual copies	2.25	1984

[1] No amendments to these volumes were promulgated during the period Apr. 1, 1982 to March 31, 1983. The CFR volumes issued as of Apr. 1, 1982 should be retained.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1983. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] Refer to September 19, 1983, FEDERAL REGISTER, Book II (Federal Acquisition Regulation).

CFR ISSUANCES 1984

January and April 1984 Editions and Projected July, 1984 Editions

This list sets out the CFR issuances for the **January and April 1984** editions and projects the publication plans for the **July, 1984** quarter. A projected schedule that will include the **October, 1984** quarter will appear in the first **Federal Register** issue of October.

For pricing information on available 1983–1984 volumes consult the CFR checklist which appears every Monday in the Federal Register.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The weekly CFR checklist or the monthly List of CFR Sections Affected will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

*Indicates volume is still in production.

Titles revised as of January 1, 1984:

Title
CFR Index
1–2
3 (Compilation)
4
5 Parts:
1–1199
1200–End
6 [Reserved]
7 Parts:
0–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1944
1945–End
8
9 Parts:
1–199
200–End
10 Parts:
0–199
200–399
400–499
500–End
11 (Revised as of April 1, 1984)
12 Parts:
1–199
200–299
300–499
500–End
13
14 Parts:
1–59
60–139
140–199
200–1199
1200–End
15 Parts:
0–299
300–399
400–End
16 Parts:
0–149
150–999
1000–End

Titles revised as of April 1, 1984:

Title
17 Parts:
1–239*
240–End*
18 Parts:
1–149*
150–399*
400–End
19*
20 Parts:
1–399
400–499*
500–End
21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–End
22
23
24 Parts:
0–199
200–499*
500–699
700–1699
1700–End
25
26 Parts:
1 (§§ 1.0–1–1.169)
1 (§§ 1.170–1.300)
1 (§§ 1.301–1.400)
1 (§§ 1.401–1.500)
1 (§§ 1.501–1.640)
1 (§§ 1.641–1.850)
1 (§§ 1.851–1.1200)
1 (§§ 1.1201–End)
2–29
30–39
40–299
300–499
500–599 (Cover only)
600–End
27 Parts:
1–199
200–End

Projected July 1, 1984 editions:

Title
28
29 Parts:
0–99
100–499
500–899
900–1899
1900–1910
1911–1919
1920–End
30 Parts:
0–199 (Revised as of Oct. 1, 1984)
200–699
700–End
31 Parts:
0–199
200–End
32 Parts:
1–39, Vol. I
1–39, Vol. II
1–39, Vol. III
40–189
190–399
400–629
630–699
700–799
800–999
1000–End
33 Parts:
1–199
200–End
34 Parts:
1–299
300–399
400–End
35
36 Parts:
1–199
200–End
37
38 Parts:
0–17
18–End
39
40 Parts:
1–51
52
53–80
81–99
100–149
150–189
190–399
400–424
425–End
41 Parts:
Chap. 1 (1–1 to 1–10)
Chap. 1 (1–11 to App.)–2
Chap. 3–6
Chap. 7
Chap. 8
Chap. 9
Chap. 10–17
Chap. 18, Vol. I
Chap. 18, Vol. II
Chap. 18, Vol. III
Chap. 19–100
Chap. 101
Chap. 102–End